

Exhibit D
(Redacted)

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

NuStar Farms, LLC,)
Anthony Nunes, Jr., and)
Anthony Nunes, III,) CASE NO.
) 5:20-cv-04003-CJW-
Plaintiffs,) MAR
)
vs.) VIDEOTAPED
) 30(b)(6)
Ryan Lizza and Hearst) DEPOSITION OF
Magazine Media, Inc.,) ANTHONY NUNES, III
)
Defendants.)
-----)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

THE VIDEOTAPED 30(b)(6)
DEPOSITION OF ANTHONY NUNES, III, taken before
Chris A. Quinlin, Registered Professional
Reporter and Notary Public of the State of Iowa,
commencing at 10:07 a.m., July 14, 2021, at
801 Grand Avenue, 33rd Floor, Des Moines, Iowa.

Reported by: Chris A. Quinlin, R.P.R.

Job No. CS4693408

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 Plaintiffs by: STEVEN S BISS</p> <p>3 Attorney at Law</p> <p>4 LAW OFFICES OF STEVEN S BISS</p> <p>5 300 West Main Street</p> <p>6 Suite 102</p> <p>7 Charlottesville, VA 22903</p> <p>8 (202) 318-4098</p> <p>9 stevenbiss@earthlink.net</p> <p>10</p> <p>11 Defendants by: NATHANIEL S BOYER</p> <p>12 KRISTEN HAUSER</p> <p>13 Attorneys at Law</p> <p>14 THE HEARST CORPORATION</p> <p>15 Office of General Counsel</p> <p>16 300 West 57th Street</p> <p>17 New York, NY 10019</p> <p>18 (212) 841-7000</p> <p>19 nathaniel.boyer@hearst.com</p> <p>20 khauser@hearst.com</p> <p>21 NICHOLAS A KLINEFELDT</p> <p>22 SUSAN P ELGIN</p> <p>23 Attorneys at Law</p> <p>24 FAEGRE DRINKER BIDDLE & REATH LLP</p> <p>25 801 Grand Avenue</p> <p>33rd Floor</p> <p>Des Moines, IA 50309</p> <p>(515) 248-9000</p> <p>nick.klinefeldt@faegredrinker.com</p> <p>susan.elgin@faegredrinker.com</p> <p>Videographer: ANDREA KREUTZ</p> <p>Also present: ANTHONY NUNES, JR</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X - Continued</p> <p>2 Exhibit Marked</p> <p>3 Exhibit 27 254</p> <p>4 Exhibit 28 257</p> <p>5 Exhibit 29 260</p> <p>6 Exhibit 30 264</p> <p>7 Exhibit 31 266</p> <p>8 Exhibit 32 267</p> <p>9 Exhibit 33 269</p> <p>10 Exhibit 34 271</p> <p>11 Exhibit 35 273</p> <p>12 Exhibit 36 274</p> <p>13 Exhibit 37 277</p> <p>14 Exhibit 38 282</p> <p>15 Exhibit 39 296</p> <p>16 Exhibit 40 303</p> <p>17 Exhibit 41 316</p> <p>18 Exhibit 42 316</p> <p>19 Exhibit 43 325</p> <p>20 Exhibit 44 342</p> <p>21 Exhibit 45 350</p> <p>22 Exhibit 46 352</p> <p>23 Exhibit 47 402</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2 Examination by: Page</p> <p>3 Mr. Boyer 7</p> <p>4</p> <p>5 Exhibit Marked</p> <p>6 Exhibit 7 5</p> <p>7 Exhibit 8 16</p> <p>8 Exhibit 9 23</p> <p>9 Exhibit 10 25</p> <p>10 Exhibit 11 71</p> <p>11 Exhibit 12 114</p> <p>12 Exhibit 13 150</p> <p>13 Exhibit 14 171</p> <p>14 Exhibit 15 183</p> <p>15 Exhibit 16 197</p> <p>16 Exhibit 17 201</p> <p>17 Exhibit 18 201</p> <p>18 Exhibit 19 206</p> <p>19 Exhibit 20 214</p> <p>20 Exhibit 21 221</p> <p>21 Exhibit 22 230</p> <p>22 Exhibit 23 231</p> <p>23 Exhibit 24 235</p> <p>24 Exhibit 25 237</p> <p>25 Exhibit 26 250</p>	<p style="text-align: right;">Page 5</p> <p>1 P R O C E E D I N G S</p> <p>2 (Exhibit 7 was marked for</p> <p>3 identification by the reporter.)</p> <p>4 THE VIDEOGRAPHER: Good morning.</p> <p>5 We are going on the record at 10:07 a.m. on</p> <p>6 Wednesday, July 14th, 2021.</p> <p>7 Please note that the microphones</p> <p>8 are sensitive and may pick up whispering,</p> <p>9 private conversations, and cellular</p> <p>10 interference. Please turn off all cell phones</p> <p>11 or place them away from the microphones, as they</p> <p>12 can interfere with the deposition audio. Audio</p> <p>13 and video recording will continue to take place</p> <p>14 unless all parties agree to go off the record.</p> <p>15 This is Media Unit 1 of the video</p> <p>16 recorded 30(b)(6) deposition of Anthony Nunes,</p> <p>17 III, taken by counsel for defendant in the</p> <p>18 matter of NuStar Farms, LLC, Anthony Nunes, Jr.,</p> <p>19 and Anthony Nunes, III, versus Ryan Lizza and</p> <p>20 Hearst Magazine Media, Inc., filed in the U.S.</p> <p>21 District Court, Northern District of Iowa,</p> <p>22 Western Division, Case Number</p> <p>23 5:20-cv-04003-CJW-MAR.</p> <p>24 This deposition is being held at</p> <p>25 Faegre Drinker Biddle & Reath located at</p>

2 (Pages 2 - 5)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 3 of 105 App. 124

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 6</p> <p>1 801 Grand Avenue, 33rd Floor, Des Moines, Iowa</p> <p>2 My name is Andrea Kreutz from the</p> <p>3 firm Veritext Legal Solutions, and I am the</p> <p>4 videographer.</p> <p>5 The court reporter is Chris</p> <p>6 Quinlin from the firm Veritext Legal Solutions.</p> <p>7 I am not related to any party in</p> <p>8 this action, nor am I financially interested in</p> <p>9 the outcome.</p> <p>10 Counsel and all present in the</p> <p>11 room and everyone attending remotely will now</p> <p>12 state their appearances and affiliations for the</p> <p>13 record. If there are any objections to</p> <p>14 proceeding, please state them at the time of</p> <p>15 your appearance, beginning with the noticing</p> <p>16 attorney, please.</p> <p>17 MR. BOYER: Good morning.</p> <p>18 Nathaniel Boyer from The Hearst Corporation on</p> <p>19 behalf of the defendants. I'm joined in the</p> <p>20 room at the moment by Kristen Hauser, my</p> <p>21 colleague, also from The Hearst Corporation, and</p> <p>22 Susan Elgin of the Faegre Drinker Biddle & Reath</p> <p>23 firm.</p> <p>24 MR. BISS: I'm Steve Biss. I</p> <p>25 represent the plaintiffs.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Neither one.</p> <p>2 Q. Neither one? It was a different one?</p> <p>3 Okay. And you were deposed in that case?</p> <p>4 A. Yes.</p> <p>5 Q. All right. So you probably remember a</p> <p>6 little bit about sort of the basic rules of</p> <p>7 depositions, is that right, in terms of the --</p> <p>8 how to answer questions and all that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you have any medical</p> <p>11 condition that impairs your memory?</p> <p>12 A. No.</p> <p>13 Q. Do you have any medical conditions that</p> <p>14 impair your ability to tell the truth here</p> <p>15 today?</p> <p>16 A. No.</p> <p>17 Q. Are you taking any medication that</p> <p>18 impairs your memory or ability to take the</p> <p>19 truth?</p> <p>20 A. No.</p> <p>21 Q. Or tell the truth. Excuse me.</p> <p>22 So although you have been deposed</p> <p>23 before -- Oh, let me just close the loop. Have</p> <p>24 you testified in any other settings before?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 7</p> <p>1 THE VIDEOGRAPHER: Thank you.</p> <p>2 Will the court reporter please</p> <p>3 swear in the witness.</p> <p>4 ANTHONY NUNES, III,</p> <p>5 called as a witness, having been first duly</p> <p>6 sworn, testified as follows:</p> <p>7 DIRECT EXAMINATION</p> <p>8 BY MR. BOYER:</p> <p>9 Q. Good morning, Mr. Nunes.</p> <p>10 A. Morning.</p> <p>11 Q. Have you testified before?</p> <p>12 A. In this case, no.</p> <p>13 Q. Any case?</p> <p>14 A. Yes.</p> <p>15 Q. Where?</p> <p>16 A. In Rock Rapids.</p> <p>17 Q. Where is Rock Rapids? In Iowa?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. What was that case about?</p> <p>20 A. Some cattle dealing we had when we</p> <p>21 bought the dairy.</p> <p>22 Q. Got it. Is that -- Is that the lawsuit</p> <p>23 with the -- I think it's the Dodens is the last</p> <p>24 name? Is that that lawsuit, or is it the</p> <p>25 Zylstras?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. So you've only testified once before,</p> <p>2 and it was that deposition in Rock Rapids?</p> <p>3 A. Yep.</p> <p>4 Q. Just a brief refresher on the rules in</p> <p>5 the deposition, in terms of how we should go</p> <p>6 about this. We'll try not to speak over each</p> <p>7 other so that the court reporter can get</p> <p>8 everything down. I'll do my best to let you</p> <p>9 finish your answers and just ask that you please</p> <p>10 do the same, let me finish my questions. Sound</p> <p>11 okay?</p> <p>12 A. Yes.</p> <p>13 Q. If you don't understand a question,</p> <p>14 just let me know. All that I ask, if you answer</p> <p>15 the question, I will assume you understood it,</p> <p>16 so it's good to get clarity if you don't</p> <p>17 understand it. Is that okay?</p> <p>18 A. Yes.</p> <p>19 Q. If you need a break at any time, just</p> <p>20 let me know. All that I ask is that we don't</p> <p>21 take a break while a question is pending. Sound</p> <p>22 okay?</p> <p>23 A. Yes.</p> <p>24 Q. And you understand that you're here</p> <p>25 under oath today just as if you were testifying</p>

3 (Pages 6 - 9)

Veritext Legal Solutions

800-567-8658

973-410-4098

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 10</p> <p>1 before a judge or a jury; right?</p> <p>2 A. Yes.</p> <p>3 Q. And your answers will be truthful and</p> <p>4 complete; correct?</p> <p>5 A. Yes again.</p> <p>6 MR. BOYER: So you can hand him</p> <p>7 number 7. I'll slide it. I'm happy to report</p> <p>8 the document slides seamlessly across the table.</p> <p>9 Q. Mr. Nunes, you've been handed a</p> <p>10 document that's been marked as Defendants'</p> <p>11 Exhibit 7. Do you recognize this document?</p> <p>12 A. It looks like I do, yes.</p> <p>13 Q. Okay. Well, have you seen it before --</p> <p>14 A. It appears -- Yes.</p> <p>15 Q. Do you know what it is?</p> <p>16 A. I think so. It's the -- It's the</p> <p>17 original filing of the lawsuit, I assume.</p> <p>18 Q. Okay. Let me just make sure I handed</p> <p>19 you the correct document. Could you -- Could I</p> <p>20 ask you to please slide that back to me?</p> <p>21 Okay. The document reads at the</p> <p>22 top "Defendants' Amended Notice of Video</p> <p>23 Recorded Deposition." Do you see that?</p> <p>24 A. Okay. Yep.</p> <p>25 Q. Yep. So this is the -- do you</p>	<p style="text-align: right;">Page 12</p> <p>1 says "Topics" at the top?</p> <p>2 A. Yes, I do.</p> <p>3 Q. And then you see there's a list of a</p> <p>4 number of topics going from 1 all the way to</p> <p>5 Topic 25, which ends on page 8?</p> <p>6 A. Okay.</p> <p>7 Q. Okay. Have you reviewed those topics?</p> <p>8 A. Nope.</p> <p>9 Q. Okay. Do you understand that you've</p> <p>10 been identified as the person with the most</p> <p>11 knowledge on these topics on behalf of the</p> <p>12 company?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So although you haven't actually</p> <p>15 reviewed the topics, you believe you are the</p> <p>16 person who has the most knowledge concerning</p> <p>17 them?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And you understand that today</p> <p>20 you're speaking on behalf of the company?</p> <p>21 A. Yes.</p> <p>22 Q. So -- And by the way, when I said</p> <p>23 "topics" there, there were Topics 1 to 25.</p> <p>24 You're the person with the most knowledge on</p> <p>25 behalf of all 25 topics?</p>
<p style="text-align: right;">Page 11</p> <p>1 understand that this is the notice of deposition</p> <p>2 that brings you here today?</p> <p>3 A. Okay.</p> <p>4 Q. Okay. Is this the first time you're</p> <p>5 seeing this particular document?</p> <p>6 A. I see lots of documents. I don't know.</p> <p>7 I would say yes. I don't -- I don't know. I</p> <p>8 haven't seen it.</p> <p>9 Q. Okay. Just there was a little -- it</p> <p>10 was a little unclear there. It sounds like</p> <p>11 you're saying you -- as you sit here, you don't</p> <p>12 recall if you've seen it or not; is that right?</p> <p>13 A. I've seen lots of papers. There's lots</p> <p>14 of e-mails. You guys seen them. There's lots</p> <p>15 of e-mails go back and forth. I don't -- I</p> <p>16 don't know if I seen this one or not. I can't</p> <p>17 say.</p> <p>18 Q. Okay. Why don't we take a look at a</p> <p>19 couple portions of it and see if it refreshes</p> <p>20 your recollection.</p> <p>21 A. Okay.</p> <p>22 Q. Take a look at page -- starting on page</p> <p>23 4 there's a list that starts with topics.</p> <p>24 A. Okay.</p> <p>25 Q. Do you see that? Do you see page 4, it</p>	<p style="text-align: right;">Page 13</p> <p>1 A. I don't know. I didn't read them all.</p> <p>2 I don't know if I'd be the -- the exact one, but</p> <p>3 yes, I should.</p> <p>4 Q. Okay. You're -- You're most likely to</p> <p>5 be the right person. Is that what you're</p> <p>6 saying?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So in the course of this</p> <p>9 deposition I may refer to you, but when I do so,</p> <p>10 because you're representing the company, unless</p> <p>11 I say otherwise, I'm referring to NuStar. Okay?</p> <p>12 A. Okay.</p> <p>13 Q. Sound fair?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So how did you prepare to</p> <p>16 testify today? What did you do?</p> <p>17 A. Talked to my attorney.</p> <p>18 Q. When?</p> <p>19 A. Yesterday.</p> <p>20 Q. For how long?</p> <p>21 A. A couple hours.</p> <p>22 Q. Okay. And that was an in-person</p> <p>23 meeting or by telephone?</p> <p>24 A. In person.</p> <p>25 Q. Okay. And the attorney in question</p>

4 (Pages 10 - 13)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 14</p> <p>1 here is Mr. Biss, who is in the room with us 2 today? 3 A. That is correct. 4 Q. Anything else you did to -- to prepare? 5 A. No. 6 Q. Did you review any documents? 7 A. Yeah. I think we went over some I-9s. 8 Q. Okay. Do you remember which I-9s you 9 went over? 10 A. No, I don't recall. We were just going 11 through the paperwork. 12 Q. Okay. So you remember reviewing some 13 I-9s. Anything else you remember reviewing? 14 A. No. 15 Q. Okay. So -- And did you review any 16 documents at a time other than when you were 17 meeting with your lawyer to prepare for the 18 deposition today? 19 A. No. 20 Q. Okay. So the sum total of what you've 21 done to prepare for the deposition is meet with 22 your lawyer for a couple hours yesterday, during 23 which time you reviewed a handful of I-9s? 24 A. That's correct. 25 Q. Okay. Did you talk to anyone else at</p>	<p style="text-align: right;">Page 16</p> <p>1 Defendants' 8. 2 (Exhibit 8 was marked for 3 identification by the reporter.) 4 Q. Mr. Nunes, you've been handed a 5 document that's been marked as Defendants' 6 Exhibit 8. I believe it bears Bates stamp 7 PX001. 8 THE WITNESS: Did we -- Did we 9 give that picture? 10 Q. I just want to know who they are in the 11 photo. I'm not concerned with the child, who I 12 assume is the daughter of one of the -- daughter 13 of one of the people in this, but who are the 14 adults in this photo? 15 A. Me, my wife Lori, and my deceased 16 mother-in-law. 17 Q. Okay. Well, I'm sorry -- was this 18 the -- the one who passed away somewhat 19 recently, the mother-in-law? 20 A. No. She passed away like six, seven 21 years ago. 22 Q. I apologize. I just received notice 23 that there was some deaths in the family 24 recently, and I just wanted to offer my 25 condolences in that regard.</p>
<p style="text-align: right;">Page 15</p> <p>1 NuStar in order to prepare for this deposition? 2 A. My father. 3 Q. Okay. And were those conversations 4 that you had with your father with Mr. Biss as 5 well? Was he in the room at the time? 6 A. Yes. 7 Q. Okay. Did you talk to him in 8 conversations where Mr. Biss was not a part of 9 that conversation to prepare for this 10 deposition? 11 A. No. 12 Q. Okay. Okay. And just to be clear, the 13 document that's in front of you is Defendants' 14 Exhibit 7. That was not among the documents you 15 reviewed in order to prepare for today's 16 deposition? 17 A. That is correct. I did not look at 18 that. I did not look at that paper. 19 Q. Okay. So, Mr. Nunes, you produced a 20 document to us as Plaintiffs' Exhibit -- or 21 excuse me. It was Bates stamped PX001. I just 22 want to understand who the people are in this 23 photograph that -- that you guys produced to us. 24 Okay? 25 MR. BOYER: You can mark it as</p>	<p style="text-align: right;">Page 17</p> <p>1 But okay. But just in terms of 2 the people on the left, it's yourself and then 3 your wife Lori; correct? 4 A. Correct. 5 Q. Okay. You can set that aside. 6 You live at [REDACTED] Drive; 7 right? 8 A. That's correct. 9 Q. A three-bedroom house; correct? 10 A. Yes. 11 Q. Do you have anybody other than family 12 members living with you in that house? 13 A. No. 14 Q. Okay. You own some other residential 15 properties in Sibley too; correct? 16 A. No. 17 Q. How about [REDACTED] -- 18 A. When you say "you," you mean NuStar 19 Farms, LLC; correct? 20 MR. BISS: Yeah, because that's 21 what you said, Nate. 22 Q. Oh, no. That's a very good correction. 23 I appreciate it. 24 NuStar doesn't own any other 25 residential properties in Sibley?</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 A. No. They only own that -- the</p> <p>2 [REDACTED] Drive.</p> <p>3 Q. Got it. But you, meaning Anthony III,</p> <p>4 and Lori Nunes own a couple other residential</p> <p>5 properties in Sibley; right?</p> <p>6 A. Yeah, that's correct. So I just</p> <p>7 want -- let me make sure I'm not confused here.</p> <p>8 Are we talking -- Are we going to do me today,</p> <p>9 or are we going to do the corporation today?</p> <p>10 Because it's two different -- you know --</p> <p>11 Q. Your -- Your --</p> <p>12 A. Are we going to cross over?</p> <p>13 Q. Your clarifying -- Your clarifying</p> <p>14 point a moment ago was a good one. It's going</p> <p>15 to be the corporation unless I say otherwise. I</p> <p>16 failed to say otherwise in that question, and</p> <p>17 you therefore corrected me appropriately.</p> <p>18 A. Okay.</p> <p>19 Q. Yes.</p> <p>20 A. I just want to make sure I understand.</p> <p>21 Q. Right. So now for the moment let's</p> <p>22 talk about the other residential properties that</p> <p>23 you, Anthony III, own. Okay? You own two other</p> <p>24 residential properties?</p> <p>25 A. With my wife, yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 it?</p> <p>2 A. Yes.</p> <p>3 Q. Why did you buy the house?</p> <p>4 A. So he could move closer, because he was</p> <p>5 living in Worthington.</p> <p>6 Q. Got it. And I've heard [REDACTED]</p> <p>7 sometimes referred to as [REDACTED] Are you</p> <p>8 familiar with that nickname for him?</p> <p>9 A. Maybe a nickname, yeah.</p> <p>10 Q. Okay. But you've heard him -- I just</p> <p>11 want to -- for clarify -- to clarify, the person</p> <p>12 who has a nickname of [REDACTED] is the person you</p> <p>13 understand to be [REDACTED]; is that right?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. And we'll get back to this in a</p> <p>16 bit. [REDACTED] has been with the -- Excuse me.</p> <p>17 [REDACTED] has been with the farm for a long</p> <p>18 time; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. All right. Let's talk about the other</p> <p>21 residential property that I believe Anthony</p> <p>22 Nunes, III, owns. And that's -- that's</p> <p>23 [REDACTED] Street; is that correct?</p> <p>24 A. Okay.</p> <p>25 Q. That's where [REDACTED] lives; right?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Gotcha. One is [REDACTED] Street</p> <p>2 Northeast; right?</p> <p>3 A. I don't remember the address exactly.</p> <p>4 Q. It's the place where [REDACTED]</p> <p>5 lives; right?</p> <p>6 A. Yeah, if you say so.</p> <p>7 Q. Well, he lives in one of your houses;</p> <p>8 right?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. One of the houses you own;</p> <p>11 right?</p> <p>12 A. That's correct.</p> <p>13 Q. And his -- how long has he lived there?</p> <p>14 A. Since we bought it.</p> <p>15 Q. Okay. And you bought it -- Let me</p> <p>16 check. Do you remember when you bought [REDACTED]?</p> <p>17 A. I don't recall.</p> <p>18 Q. Okay. The records seem to indicate it</p> <p>19 was from March -- March 2015 you bought it. Is</p> <p>20 that right?</p> <p>21 A. Okay. Yeah.</p> <p>22 Q. That sounds about right?</p> <p>23 A. Sounds similar.</p> <p>24 Q. Okay. Great. And you bought -- And</p> <p>25 [REDACTED] has lived there since you bought</p>	<p style="text-align: right;">Page 21</p> <p>1 A. That's correct.</p> <p>2 Q. And by [REDACTED]</p> <p>3 [REDACTED] right?</p> <p>4 A. That's correct.</p> <p>5 Q. He's another longtime employee;</p> <p>6 correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Does [REDACTED] live with</p> <p>9 him in that house?</p> <p>10 A. Nope.</p> <p>11 Q. No. Okay. Did he at some point in</p> <p>12 time live there?</p> <p>13 A. Nope.</p> <p>14 Q. Okay. All right. What about [REDACTED]</p> <p>15 [REDACTED]? Does he live in a house that</p> <p>16 Anthony -- the Nunes -- that you, Anthony Nunes,</p> <p>17 III, own?</p> <p>18 A. No. You already stated the two</p> <p>19 properties that I had.</p> <p>20 Q. Okay.</p> <p>21 A. So there is no other ones.</p> <p>22 Q. Okay. Are you aware of anyone else</p> <p>23 living in those houses other than -- Well, let's</p> <p>24 take them one at a time. Starting with the</p> <p>25 house in which [REDACTED] lives, is there</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 anyone else living in the house?</p> <p>2 A. His wife.</p> <p>3 Q. Okay.</p> <p>4 A. He lives there with his wife.</p> <p>5 Q. Okay. Any -- Anyone else?</p> <p>6 A. I don't know if his kids are -- I think</p> <p>7 his son bought a house somewhere else. I</p> <p>8 don't -- I don't think he's living there</p> <p>9 anymore.</p> <p>10 Q. And his son is [REDACTED]?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. [REDACTED] worked for you for some</p> <p>13 period of time; right?</p> <p>14 A. Yeah. Yeah. When he was in high</p> <p>15 school.</p> <p>16 Q. Okay. And [REDACTED] Let me actually close</p> <p>17 the loop on [REDACTED]. Are you aware of anyone else</p> <p>18 having lived in that house since you owned it?</p> <p>19 A. No.</p> <p>20 Q. And then [REDACTED] Street, the one</p> <p>21 where [REDACTED] lives, who else lives there?</p> <p>22 A. Nobody.</p> <p>23 Q. Nobody else? Just him?</p> <p>24 A. Yep.</p> <p>25 Q. Okay. And at any point in time are you</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Okay. So for documents -- questions</p> <p>2 concerning this, I guess I should talk to Lori</p> <p>3 Nunes, huh?</p> <p>4 A. Sure.</p> <p>5 Q. Do you have any reason to think that</p> <p>6 there would be -- Well, strike that.</p> <p>7 I may still refer to this over</p> <p>8 the course of the day, just because, I mean,</p> <p>9 this is NuStar's response to Interrogatory</p> <p>10 Number 1, and you're here on behalf of NuStar in</p> <p>11 its corporate capacity, but I appreciate what</p> <p>12 you just said, that Lori Nunes was the one who</p> <p>13 worked on it.</p> <p>14 The one thing I just want to</p> <p>15 point out, though, and I apologize, because</p> <p>16 things might have printed upside down, on the</p> <p>17 back of the first page, and these pages aren't</p> <p>18 numbered, you see -- you see [REDACTED], and</p> <p>19 I apologize in advance if my pronunciation is</p> <p>20 off, first name [REDACTED]. It's about the fifth</p> <p>21 person down on that page. Do you see that?</p> <p>22 A. Okay.</p> <p>23 Q. You see that spot; right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. It says his address is [REDACTED]</p>
<p style="text-align: right;">Page 23</p> <p>1 aware of anyone else living in that house since</p> <p>2 you've owned it?</p> <p>3 A. No.</p> <p>4 Q. All right.</p> <p>5 MR. BOYER: Let's mark this as</p> <p>6 number 9.</p> <p>7 (Exhibit 9 was marked for</p> <p>8 identification by the reporter.)</p> <p>9 Q. Do you recognize this document,</p> <p>10 Mr. Nunes? You can flip through it.</p> <p>11 A. No.</p> <p>12 Q. Okay. Take a look at the last page of</p> <p>13 the document. This is a -- appears to be a</p> <p>14 verification signed by Lori Nunes; correct?</p> <p>15 A. That's what it looks like.</p> <p>16 Q. So this document is a list of all</p> <p>17 employees/workers of NuStar Farms since its</p> <p>18 formation, along with various other information</p> <p>19 relating to each of those workers. Were you</p> <p>20 involved in preparing this document?</p> <p>21 A. No.</p> <p>22 Q. Okay. Would -- Who would be the person</p> <p>23 with the most knowledge concerning this</p> <p>24 particular document at NuStar?</p> <p>25 A. Lori Nunes.</p>	<p style="text-align: right;">Page 25</p> <p>1 Street; right?</p> <p>2 A. That's what it says.</p> <p>3 Q. Right. So does he actually live at --</p> <p>4 A. No.</p> <p>5 Q. -- [REDACTED] house?</p> <p>6 A. No. It must be a clerical error of</p> <p>7 some sort.</p> <p>8 Q. Okay. Do you know where [REDACTED]</p> <p>9 [REDACTED] lives?</p> <p>10 A. I don't know his address. I know where</p> <p>11 his house is, yes, but I don't know where he</p> <p>12 lives.</p> <p>13 Q. Okay. Got it. All right. So we'll</p> <p>14 get back to those topics here in a bit. Let</p> <p>15 me -- You can set aside Defendants' 9, but keep</p> <p>16 it handy, because we might refer to it from time</p> <p>17 to time throughout the day.</p> <p>18 (Exhibit 10 was marked for</p> <p>19 identification by the reporter.)</p> <p>20 Q. Mr. Nunes, you've been handed a</p> <p>21 document that's been marked as Defendants'</p> <p>22 Exhibit 10. I want to use this document just to</p> <p>23 kind of talk about the beginnings of NuStar and</p> <p>24 the move to Iowa. Okay? So first of all, do</p> <p>25 you recognize this document?</p>

7 (Pages 22 - 25)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 26</p> <p>1 A. Yes.</p> <p>2 Q. What is it?</p> <p>3 A. It's an article done on us.</p> <p>4 Q. Okay. In a publication called the</p> <p>5 Dairy Star; correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And you understand that to be an</p> <p>8 industry publication in, I guess, the Iowa and</p> <p>9 Minnesota area about the dairy industry; right?</p> <p>10 A. I don't know. I don't know where its</p> <p>11 exact locations are.</p> <p>12 Q. Got it. Do you subscribe to the Dairy</p> <p>13 Star?</p> <p>14 A. No.</p> <p>15 Q. Okay. Do you read it from time to</p> <p>16 time?</p> <p>17 A. No.</p> <p>18 Q. All right. But you recall this</p> <p>19 interview being done by you back in 2009; right?</p> <p>20 A. That's correct.</p> <p>21 Q. All right. And the article talks about</p> <p>22 how and when you and your family moved to --</p> <p>23 you, meaning Anthony Nunes, III, and your --</p> <p>24 some members of your family moved to Iowa and</p> <p>25 formed NuStar; correct?</p>	<p style="text-align: right;">Page 28</p> <p>1 wrote an article that said nothing about Devin</p> <p>2 in it; right?</p> <p>3 A. That's what they did, yes.</p> <p>4 Q. Okay. Did there come a time when</p> <p>5 somebody at NuStar asked that this article be</p> <p>6 removed from the Dairy Star website?</p> <p>7 A. Yes.</p> <p>8 Q. When was that?</p> <p>9 A. When Ryan Lizza -- I don't recall</p> <p>10 exactly when. I think it's after -- after</p> <p>11 the -- it was after the article came out.</p> <p>12 Q. Got it. But it was around the time</p> <p>13 that the article was being reported on and then</p> <p>14 came out?</p> <p>15 A. It was -- No. It was after it came</p> <p>16 out.</p> <p>17 Q. Got it.</p> <p>18 A. I do believe so.</p> <p>19 Q. Okay. So tell me about that. Who made</p> <p>20 the request to the Dairy Star to have it</p> <p>21 removed?</p> <p>22 A. I did.</p> <p>23 Q. Okay. And what did you say?</p> <p>24 A. I told them to take it down.</p> <p>25 Q. Why did you want it down?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. Now, the article does not mention Devin</p> <p>3 Nunes; right?</p> <p>4 A. That's correct. I do believe so. I</p> <p>5 don't -- I don't remember the story. I don't</p> <p>6 think it did.</p> <p>7 Q. All right.</p> <p>8 A. I highly doubt it would.</p> <p>9 Q. Right. Do you remember asking the</p> <p>10 reporter not to mention Devin Nunes in this</p> <p>11 article?</p> <p>12 A. No. They -- I do remember this. They</p> <p>13 came, and they said they wanted to do -- they</p> <p>14 came and said, "Oh, we want to do an article</p> <p>15 about you guys moving here."</p> <p>16 I said, "That's fine." I said,</p> <p>17 "But just remember that we're not going to speak</p> <p>18 anything about Devin because he has nothing to</p> <p>19 do with this dairy. Because if you want to come</p> <p>20 here and talk about that, we don't want to have</p> <p>21 an interview."</p> <p>22 Q. Got it. And they agreed to that;</p> <p>23 right?</p> <p>24 A. That is correct.</p> <p>25 Q. They said -- And then they ultimately</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Because it was mentioned in the -- it</p> <p>2 was mentioned in the article that Lizza wrote.</p> <p>3 Q. Okay. What did they -- And who did you</p> <p>4 speak to at the Dairy Star?</p> <p>5 A. I talked to the editor. I don't know.</p> <p>6 I don't remember his name.</p> <p>7 Q. Okay. What did the editor say?</p> <p>8 A. He said he would.</p> <p>9 Q. Okay. Do you -- I mean, why did you</p> <p>10 want it taken down because it was mentioned in</p> <p>11 the article that was written by Ryan Lizza?</p> <p>12 A. Because I don't want people to be</p> <p>13 coming around the dairy and harassing us like</p> <p>14 they do out in California on my uncle's dairy</p> <p>15 and to my grandmother.</p> <p>16 Q. So in other words, it's generally</p> <p>17 publicity about you, your family, the farm that</p> <p>18 you just didn't want out there; right?</p> <p>19 A. I didn't want the publicity of the</p> <p>20 dairy because Devin has nothing to do with it.</p> <p>21 So he has nothing to do with the farm. I don't</p> <p>22 want people just randomly showing up at our</p> <p>23 dairy and causing problems, because there's a</p> <p>24 lot of people that want to cause harm, that want</p> <p>25 to do nothing but damage to us because of Devin,</p>

8 (Pages 26 - 29)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 30</p> <p>1 even though he has nothing to do with it.</p> <p>2 So we try to keep it -- you know,</p> <p>3 we don't need to sit there and talk about what</p> <p>4 we have going on because of Devin. It has</p> <p>5 nothing to do with Devin.</p> <p>6 Q. Right. And this article doesn't</p> <p>7 mention Devin, though; right? We already talked</p> <p>8 about that.</p> <p>9 A. No. You asked -- You asked why I asked</p> <p>10 them to take it down.</p> <p>11 Q. Right. I did. But then --</p> <p>12 A. Because it was mentioned in the story.</p> <p>13 Q. I see. It was mentioned in the story</p> <p>14 that talked about both Devin and the farm?</p> <p>15 A. I do believe so.</p> <p>16 Q. And because of that, people would draw</p> <p>17 the connection, and that's why you wanted it</p> <p>18 taken down?</p> <p>19 A. I do believe so. I think that's what</p> <p>20 the -- I think so, yes.</p> <p>21 Q. Okay. And you don't remember --</p> <p>22 correct me if I'm wrong, you don't remember the</p> <p>23 name of the editor that you spoke with at the</p> <p>24 Dairy Star?</p> <p>25 A. No. I talked to the editor, because I</p>	<p style="text-align: right;">Page 32</p> <p>1 here, it appears to be written by Jerry Nelson.</p> <p>2 A. Okay.</p> <p>3 Q. Yeah. So, I mean, I understand your</p> <p>4 point regarding Mr. Lizza's reporting or your</p> <p>5 perception of it, but my simple question was</p> <p>6 like did you -- did you disapprove of Jerry</p> <p>7 Nelson speaking to Mr. Lizza?</p> <p>8 A. Oh, he has every right to talk to him.</p> <p>9 Q. Okay. Now, when you moved to Sibley,</p> <p>10 you purchased a pre-existing dairy farm;</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. I think it was called Sibley Dairy</p> <p>14 before you took over; right?</p> <p>15 A. It was called Sibley Dairy, LLP.</p> <p>16 Q. Okay. How did you find out about</p> <p>17 Sibley Dairy being available for sale?</p> <p>18 A. Through a broker.</p> <p>19 Q. Got it. So walk me through the</p> <p>20 transaction from, you know, you're -- from the</p> <p>21 point when you became interested in moving to</p> <p>22 then when you ultimately decided to move and --</p> <p>23 and why you ultimately made the move.</p> <p>24 A. Can you be more specific what you mean?</p> <p>25 Q. Sure. Why don't I break that down for</p>
<p style="text-align: right;">Page 31</p> <p>1 wasn't going to talk to the guy that wrote the</p> <p>2 article.</p> <p>3 Q. Okay.</p> <p>4 A. Because I do know that he wrote -- he</p> <p>5 spoke with Lizza.</p> <p>6 Q. Gotcha. And you didn't like that?</p> <p>7 A. Well, obviously -- obviously he's</p> <p>8 not -- it's all a political hit piece, what was</p> <p>9 written. And that's all Lizza came for, was</p> <p>10 just to do damage to my brother.</p> <p>11 Q. Okay.</p> <p>12 A. And not -- So obviously there was an</p> <p>13 agenda there that -- that we want to stay away</p> <p>14 from, because he has nothing to do with the</p> <p>15 farm. He has literally nothing to do with the</p> <p>16 farm. So we don't want him to have a political</p> <p>17 agenda and start coming after us and having</p> <p>18 people show up at our dairy for political</p> <p>19 agendas.</p> <p>20 Q. Okay. So what does that have to do</p> <p>21 with your concerns with Jerry Nelson talking to</p> <p>22 Ryan?</p> <p>23 A. Oh, is that his name? Jerry?</p> <p>24 Q. I believe so, yeah. According to the</p> <p>25 article, Exhibit 10 that we're looking at right</p>	<p style="text-align: right;">Page 33</p> <p>1 you. I take it there came a time in which you</p> <p>2 were looking to sell the property in California;</p> <p>3 right?</p> <p>4 MR. BISS: Object to the form.</p> <p>5 Q. Let me take another step back. At one</p> <p>6 point in time you -- Strike that.</p> <p>7 At one point in time some of the</p> <p>8 family members who own or operate NuStar owned a</p> <p>9 dairy farm in California; correct?</p> <p>10 A. Nope.</p> <p>11 Q. Nope? So you -- your dad never owned a</p> <p>12 dairy farm in California? I'm sorry. Anthony</p> <p>13 Jr. never owned a dairy farm in California?</p> <p>14 A. As far as I know, he didn't.</p> <p>15 Q. Okay. Anthony III, that is you in your</p> <p>16 personal capacity, you never owned a dairy farm</p> <p>17 in California?</p> <p>18 A. Nope.</p> <p>19 Q. All right. There came a point in time</p> <p>20 when you decided to move from California -- Take</p> <p>21 another step back. You, Anthony Nunes, III,</p> <p>22 used to live in California; right?</p> <p>23 A. That's correct.</p> <p>24 Q. At some point in time you decided to</p> <p>25 move to Iowa; right?</p>

9 (Pages 30 - 33)

<p style="text-align: right;">Page 34</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. Why did you decide to move to</p> <p>3 Iowa?</p> <p>4 A. Because I wanted a dairy here.</p> <p>5 Q. Got it. And you -- it sounds like you</p> <p>6 reached out to a broker; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And you therefore, through the -- you</p> <p>9 through the broker located a dairy farm that was</p> <p>10 for sale in Iowa; right?</p> <p>11 A. That's correct.</p> <p>12 Q. All right. And then you entered into</p> <p>13 the transaction -- excuse me. And then you</p> <p>14 negotiated and entered into the transaction to</p> <p>15 buy the dairy farm; right?</p> <p>16 A. That's correct.</p> <p>17 Q. All right. So tell me about the</p> <p>18 workforce at Sibley Dairy.</p> <p>19 Let me -- Let me ask it this way.</p> <p>20 In the course of buying the dairy farm, did you</p> <p>21 have any conversations with the sellers about</p> <p>22 the workforce there?</p> <p>23 A. I don't recall that.</p> <p>24 Q. Okay. There were employees who were</p> <p>25 working at Sibley Dairy; right?</p>	<p style="text-align: right;">Page 36</p> <p>1 in Iowa?</p> <p>2 A. I don't -- I don't think so.</p> <p>3 Q. Okay.</p> <p>4 A. I don't recall that.</p> <p>5 Q. You mentioned that some people stayed</p> <p>6 on from Sibley Dairy; right?</p> <p>7 A. Yes.</p> <p>8 Q. I think [REDACTED] -- does that</p> <p>9 sound -- does that name ring a bell?</p> <p>10 A. Yeah, I think he was there. Yeah. He</p> <p>11 was there right at the end. He was hired by --</p> <p>12 He was hired right at the end from -- [REDACTED]</p> <p>13 [REDACTED]. He was -- He was hired like one or two</p> <p>14 months before we bought the dairy.</p> <p>15 Q. Got it. Okay. And then I think</p> <p>16 another one I saw on the list might have been</p> <p>17 [REDACTED]?</p> <p>18 A. Yeah. He was the previous manager, and</p> <p>19 then we kept him on after he was -- he was</p> <p>20 hired, yes.</p> <p>21 Q. Got it. Why did you keep him on?</p> <p>22 A. He was -- worked with cows.</p> <p>23 Q. Did he have some institutional</p> <p>24 knowledge about the specific dairy farm that</p> <p>25 could be of use to you?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. It was an existing facility, yes.</p> <p>2 Q. Right. Do you know how many employees</p> <p>3 were working at Sibley Dairy?</p> <p>4 A. I don't know.</p> <p>5 Q. All right. Did some of them stay on</p> <p>6 after -- and work at NuStar?</p> <p>7 A. There was a few. There was a few guys</p> <p>8 that stayed on, yeah.</p> <p>9 Q. Okay.</p> <p>10 A. I mean, it was just a transaction. It</p> <p>11 just went from -- one day it was Sibley Dairy,</p> <p>12 the next day it was NuStar Farms.</p> <p>13 Q. Got it. And new owners came in; right?</p> <p>14 Just completing the thought, one day it went</p> <p>15 from Sibley Dairy and became NuStar Farms. It</p> <p>16 wasn't just a name change. It was an ownership</p> <p>17 change; right?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Did you have any conversations</p> <p>20 with -- by "you," now I'm back to talking about</p> <p>21 NuStar. Okay? So when I talk about you, I'm</p> <p>22 referring to NuStar.</p> <p>23 A. Okay.</p> <p>24 Q. Did you have any conversations with</p> <p>25 persons at Sibley Dairy about recruiting workers</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I don't know. I don't remember that.</p> <p>2 Q. Okay. Well, what did he do as the</p> <p>3 manager?</p> <p>4 A. He -- He -- Of what?</p> <p>5 Q. Of the -- Of the dairy farm that you</p> <p>6 purchased and then you kept him on.</p> <p>7 A. NuStar Farms?</p> <p>8 Q. Yes.</p> <p>9 A. His capacity, he worked with cows.</p> <p>10 Q. Got it. Did he manage people?</p> <p>11 A. I don't -- I don't -- I don't think so.</p> <p>12 Q. Okay. So when you say he was -- Well,</p> <p>13 let me ask you this. If I'm understanding you</p> <p>14 correctly, when he was at Sibley Dairy, he was</p> <p>15 the manager at that farm; right?</p> <p>16 A. I assume so. I don't know --</p> <p>17 Q. Okay.</p> <p>18 A. -- fully.</p> <p>19 Q. Did his responsibilities change when he</p> <p>20 became -- when NuStar took over ownership?</p> <p>21 A. He was -- He was just taking care of --</p> <p>22 in the capacity of taking care of cows.</p> <p>23 Q. Okay. But -- Well, I'm asking like</p> <p>24 did -- did his role diminish in some way? Like</p> <p>25 was he previously a manager and then he was</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 38</p> <p>1 just --</p> <p>2 A. I don't know what he -- I don't</p> <p>3 remember what he did before. I really don't</p> <p>4 remember. I don't know if he was taking care of</p> <p>5 people. There were so many people involved</p> <p>6 there, I don't -- I don't know what Sibley -- I</p> <p>7 can't speak for Sibley Dairy.</p> <p>8 Q. Fine. [REDACTED], I think,</p> <p>9 is another name of somebody who stuck around?</p> <p>10 A. I don't -- I don't remember him.</p> <p>11 Q. [REDACTED]?</p> <p>12 A. Okay. Yeah.</p> <p>13 Q. Okay. Was that somebody who stuck</p> <p>14 around from Sibley Dairy?</p> <p>15 A. Yeah, he stayed.</p> <p>16 Q. Okay. What about [REDACTED] Was</p> <p>17 he at Sibley Dairy?</p> <p>18 A. No. He was hired later.</p> <p>19 Q. Hired later? I think he was hired in</p> <p>20 2008. Does that sound about right?</p> <p>21 A. I don't recall.</p> <p>22 Q. Okay. What about [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 A. No. He was -- He was hired by me.</p> <p>25 Q. He was hired by you?</p>	<p style="text-align: right;">Page 40</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. And he filled -- filled out the form</p> <p>4 and handed it to you; right?</p> <p>5 A. Yes.</p> <p>6 MR. BISS: And, Nate, just to be</p> <p>7 clear, that's the document that I -- that I</p> <p>8 produced for you today.</p> <p>9 MR. BOYER: Got it.</p> <p>10 MR. BISS: We found it, so I</p> <p>11 wanted you to have that. I thought you might</p> <p>12 want to use it.</p> <p>13 MR. BOYER: Okay. Okay.</p> <p>14 A. Yeah. It was in the records, so we</p> <p>15 decided that you might as well have it.</p> <p>16 Q. Okay. Appreciate it. Do you have --</p> <p>17 anybody who wants a job has to fill out an</p> <p>18 application?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. They pretty -- Everybody has to --</p> <p>22 pretty much that's the protocol, is everybody</p> <p>23 has to fill out a job application before we even</p> <p>24 consider them to work.</p> <p>25 Q. Got it. Okay.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yeah.</p> <p>2 Q. Got it. Do you -- Well, let me -- What</p> <p>3 about [REDACTED]</p> <p>4 A. Yeah. He was hired later too.</p> <p>5 Q. Okay.</p> <p>6 A. I don't remember the date exactly.</p> <p>7 Q. Got it. You said [REDACTED] was hired by</p> <p>8 you, meaning you personally, Anthony III?</p> <p>9 A. Yeah. Yes.</p> <p>10 Q. Got it. How did you find [REDACTED], or</p> <p>11 how did he find you?</p> <p>12 A. There was a job application.</p> <p>13 Q. Oh, there was a job application, and he</p> <p>14 completed the job application and submitted it</p> <p>15 to you?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. He -- Do you require -- When we</p> <p>18 talk about job applications generally, do you</p> <p>19 have a job application form at NuStar Farms --</p> <p>20 A. Yes.</p> <p>21 Q. -- that you ask people to fill out --</p> <p>22 A. Yes.</p> <p>23 Q. -- if they want a job?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And [REDACTED] was one of them;</p>	<p style="text-align: right;">Page 41</p> <p>1 A. We don't reclaim -- We don't -- We</p> <p>2 don't keep those documents, but -- we don't</p> <p>3 generally keep them, but we have some. They're</p> <p>4 just in the file.</p> <p>5 Q. Okay. You have others?</p> <p>6 A. I don't know. You have everything that</p> <p>7 we had. You have everything.</p> <p>8 Q. Okay. So you said there are some that</p> <p>9 are in the file; right? You obviously have</p> <p>10 [REDACTED]</p> <p>11 A. Yeah. His -- His had it. I don't -- I</p> <p>12 don't know why it was in there.</p> <p>13 Q. Okay.</p> <p>14 A. It was in his file.</p> <p>15 Q. Got it. Do you have job</p> <p>16 applications -- Do you still have in NuStar's</p> <p>17 possession job applications for other</p> <p>18 applicants?</p> <p>19 A. We have -- People fill them out all the</p> <p>20 time. I don't --</p> <p>21 Q. I know. But you -- I believe -- if I</p> <p>22 understand what you were just saying a moment</p> <p>23 ago, you said that you don't always keep them,</p> <p>24 sometimes you do --</p> <p>25 A. We gave you everything that we had.</p>

11 (Pages 38 - 41)

<p style="text-align: right;">Page 42</p> <p>1 Q. Okay. That's fine. So you're saying 2 there are no other job applications in NuStar's 3 possession? 4 A. I don't think so. As far as I know, 5 no. 6 Q. Why does NuStar only have the job 7 application for [REDACTED] and nobody else? 8 A. It's not required to -- by law to 9 retain those. 10 Q. I understand. But was there a decision 11 made to retain [REDACTED] but not others? 12 A. No. It was just an early hire. It was 13 in the -- It was in his documents. 14 Q. Okay. So just sort of by happenstance 15 you only have [REDACTED] and nobody else's? 16 A. Yeah. It was just one of those deals, 17 yeah. 18 Q. Okay. When you -- Let's go back again 19 to the transition from Sibley Dairy to NuStar. 20 Did Sibley Dairy have any sort of employment 21 files that they transitioned over to NuStar? 22 A. I don't recall that. 23 Q. Okay. So like, you know, applications, 24 for example, or I-9s on file for any workers 25 that were sticking around?</p>	<p style="text-align: right;">Page 44</p> <p>1 but I understand you're saying yes, you did not 2 live in Iowa prior to? 3 A. That's correct. 4 Q. Okay. 5 MR. BISS: You're referring to 6 Anthony Nunes, III, now; right? 7 MR. BOYER: Yes. I'm referring 8 to Anthony Nunes, III, correct. 9 A. Okay. 10 Q. Did anybody from California come over 11 to help you get the -- get the farm started? 12 A. My father was here. 13 Q. Any of the employees -- Strike that. 14 Any other persons other than 15 Nunes family members come over from California 16 to help? 17 A. Yes. 18 Q. [REDACTED], was he one of them? 19 A. Nope. 20 Q. Okay. [REDACTED]? 21 A. Yeah. 22 Q. Okay. Tell me about [REDACTED]. Why 23 did you have him come over? 24 A. Because he was a previous employee. He 25 wanted to move, try to -- try to better</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I don't -- I don't recall. 2 Q. Okay. Did you complete new I-9s for 3 people? 4 A. Yeah. I mean, you -- you would think 5 it was a new company -- it was a whole different 6 one, so you would have to have all new files for 7 everybody. 8 Q. Right. So you -- you probably would 9 have gone and done new I-9s for the people that 10 started? 11 A. Everybody would have had it, yeah. It 12 would have been all new paperwork because it's a 13 totally different company. 14 Q. Got it. Okay. So you said something 15 I'm trying to understand. So you had never 16 lived in Iowa prior to moving here in 2006 to 17 2007; right? 18 A. Yeah. 19 Q. Okay. I'm sorry, yes, it is correct 20 that you had never lived in Iowa prior to that 21 moment; right? 22 A. That's correct. 23 Q. Sorry, sometimes when people say yes, 24 it gets confusing as to whether or not you're 25 saying yes to I did live there or yes, I didn't,</p>	<p style="text-align: right;">Page 45</p> <p>1 himself -- 2 Q. Okay. 3 A. -- and his family. 4 Q. Okay. He was a previous employee of 5 who? 6 A. He was a previous employee of Nunes 7 Farms. 8 Q. Nunes Farms. And that's the farm that 9 you had worked on before coming to Iowa? 10 A. That's correct. 11 Q. Okay. And [REDACTED], he 12 was not somebody who came from California? 13 A. Yes. 14 Q. Okay. And I only ask because I thought 15 I saw -- Let me take a look at interrogatories. 16 A. You said when we transitioned. He 17 didn't transition with us. 18 Q. I see. He came over at some other 19 time? 20 A. Yes. 21 Q. Okay. Why did he come over? 22 A. We were doing construction. 23 Q. Oh, I see. So was he -- his specialty 24 was in construction, not necessarily, you know, 25 milking the cows and stuff?</p>

12 (Pages 42 - 45)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 46</p> <p>1 A. That's correct.</p> <p>2 Q. Got it. [REDACTED] didn't</p> <p>3 stick around for too long, did he?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you know why he left?</p> <p>6 A. Yes.</p> <p>7 Q. Why did he leave?</p> <p>8 A. His -- His family decided they didn't</p> <p>9 want to move.</p> <p>10 Q. Okay. Fair enough. And then he went</p> <p>11 back to California?</p> <p>12 A. That's correct.</p> <p>13 Q. Do you stay in touch?</p> <p>14 A. Yeah. He called me after your</p> <p>15 investigators -- well, he didn't call me. He</p> <p>16 called our -- some of our family and told them</p> <p>17 your investigators showed up last week.</p> <p>18 Q. Oh, there we go. Great. And what did</p> <p>19 he say to you?</p> <p>20 A. That some investigators were asking a</p> <p>21 whole bunch of questions.</p> <p>22 Q. Okay. And -- And what did you say in</p> <p>23 response to him?</p> <p>24 A. I didn't talk to him.</p> <p>25 Q. Oh.</p>	<p style="text-align: right;">Page 48</p> <p>1 hearsay.</p> <p>2 MR. BISS: It might be double</p> <p>3 hearsay, actually.</p> <p>4 MR. BOYER: It might be a triple</p> <p>5 or quadruple at that point; right?</p> <p>6 Q. So what about [REDACTED]? Do you</p> <p>7 stay in touch with him?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. Have you talked to him recently?</p> <p>10 A. Yeah. He called.</p> <p>11 Q. Okay. Tell me about that call.</p> <p>12 A. One of your investigators showed up at</p> <p>13 his door.</p> <p>14 Q. Okay.</p> <p>15 A. And he was not happy.</p> <p>16 Q. Oh, really? So tell me about it.</p> <p>17 What -- So first of all, he spoke to you,</p> <p>18 Anthony Nunes, III?</p> <p>19 A. No. He talked to my wife.</p> <p>20 Q. He spoke to Lori Nunes. Got it.</p> <p>21 A. Right.</p> <p>22 Q. Got it. Okay. What did he tell Lori</p> <p>23 Nunes, if you know?</p> <p>24 A. That your investigator showed up last</p> <p>25 week asking if we hired illegals.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I talked to my cousin.</p> <p>2 Q. Oh.</p> <p>3 A. He called one of my cousins.</p> <p>4 Q. Got it. Got it. So this would be</p> <p>5 somebody -- like a son of Uncle Gerald?</p> <p>6 A. Nope.</p> <p>7 Q. Okay. Different -- Okay. Anyway, who</p> <p>8 he spoke to, he called a cousin of yours and</p> <p>9 said that some investigators were asking a bunch</p> <p>10 of questions; right?</p> <p>11 A. That's correct.</p> <p>12 Q. All right. Did he say what questions</p> <p>13 the investigators asked?</p> <p>14 A. If we had illegals working for us.</p> <p>15 Q. Okay. What did [REDACTED] say in</p> <p>16 response?</p> <p>17 A. He said no.</p> <p>18 Q. Okay. He said that to you -- he told</p> <p>19 your cousin, who told you that that's what he</p> <p>20 said to the investigators?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay.</p> <p>23 A. So it's all hearsay. I don't know. I</p> <p>24 didn't hear it firsthand.</p> <p>25 Q. You may be right. Maybe that is</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. And anything else he said?</p> <p>2 A. I don't know. I didn't talk to him.</p> <p>3 Q. Got it. So I'll talk to Lori Nunes,</p> <p>4 and she'll remember what --</p> <p>5 A. Yeah.</p> <p>6 Q. -- what [REDACTED] told her about the</p> <p>7 conversation he had with the investigators?</p> <p>8 A. Yeah. I just know he was not happy you</p> <p>9 guys were knocking on his door.</p> <p>10 Q. Well, okay. Let's talk a little bit</p> <p>11 about hiring generally and what you do now at</p> <p>12 NuStar. Okay? So now when I'm talking about</p> <p>13 you, I'm talking about NuStar. Okay?</p> <p>14 A. Okay.</p> <p>15 MR. BISS: Again, Nate, before we</p> <p>16 get into that, we're going to -- we're going to</p> <p>17 mark this entire deposition counsel's eyes only.</p> <p>18 MR. BOYER: Okay. Well,</p> <p>19 obviously --</p> <p>20 MR. BISS: I just want to get</p> <p>21 that on the record before we go further.</p> <p>22 MR. BOYER: Duly noted. I</p> <p>23 obviously reserve the right to take a look at</p> <p>24 this and deal with it if we think it's been</p> <p>25 overdesignated, but that's a fine designation to</p>

13 (Pages 46 - 49)

<p style="text-align: right;">Page 50</p> <p>1 start.</p> <p>2 MR. BISS: Okay.</p> <p>3 Q. So did you -- how does NuStar find</p> <p>4 employees when it needs them?</p> <p>5 A. They just show up.</p> <p>6 Q. What do you mean they just show up?</p> <p>7 A. They come looking for jobs.</p> <p>8 Q. They come to the farm?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. So people will just drive, go to</p> <p>11 the farm and say, "I'm looking for a job"?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. Does the newspaper place --</p> <p>14 Strike that.</p> <p>15 Does NuStar place newspaper</p> <p>16 advertisements?</p> <p>17 A. No.</p> <p>18 Q. Does it advertise anywhere around town</p> <p>19 that it's looking for work?</p> <p>20 A. No.</p> <p>21 Q. Okay. How often do people just show up</p> <p>22 at the farm -- Well, let me ask the question.</p> <p>23 If they don't see advertisements, how do they</p> <p>24 know that NuStar may be hiring?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 52</p> <p>1 like retain a file of applications of people</p> <p>2 that might be looking for a job?</p> <p>3 A. No, we don't keep a file. It's just on</p> <p>4 my desk.</p> <p>5 Q. Okay.</p> <p>6 A. So if they're there, then we'll just</p> <p>7 throw them away.</p> <p>8 Q. Okay.</p> <p>9 A. If they're getting old.</p> <p>10 Q. Okay. How old is old?</p> <p>11 A. Just when you go through my stack of</p> <p>12 papers.</p> <p>13 Q. Okay. So you've got a stack of papers</p> <p>14 on your desk, and in that stack of papers might</p> <p>15 be some applications?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. And then when you are going</p> <p>18 through the applications, if something looks</p> <p>19 particularly old -- if you're going through the</p> <p>20 stack of papers just doing housecleaning, if</p> <p>21 something looks particularly old, you might</p> <p>22 throw it out?</p> <p>23 A. That's correct.</p> <p>24 Q. Okay. But you can't say how old is</p> <p>25 old, it's just kind of a feel based on your</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Okay. You don't know how --</p> <p>2 A. They just come by. They don't -- We're</p> <p>3 not always looking for people.</p> <p>4 Q. Okay. Got it. How often do people</p> <p>5 come by looking for jobs?</p> <p>6 A. I don't know. Just random.</p> <p>7 Q. Is it something like once a year? Once</p> <p>8 a month?</p> <p>9 A. Yeah, I don't know. It -- I don't -- I</p> <p>10 don't recall. People just come by. They fill</p> <p>11 out job applications. Maybe one -- a couple a</p> <p>12 month. I don't know.</p> <p>13 Q. Okay.</p> <p>14 A. I really don't keep track of that.</p> <p>15 Q. Got it. Do you have -- Do you keep the</p> <p>16 applications on file?</p> <p>17 A. Generally not, no.</p> <p>18 Q. Okay. So people fill out applications,</p> <p>19 you just throw them in the trash?</p> <p>20 A. We might keep them for a little while.</p> <p>21 Q. All right.</p> <p>22 A. We probably retain them a little bit,</p> <p>23 longer than maybe Hearst Corp. does with their</p> <p>24 e-mails, but --</p> <p>25 Q. Okay. So -- So you would -- Do you</p>	<p style="text-align: right;">Page 53</p> <p>1 needs at the time?</p> <p>2 A. I don't know. I don't.</p> <p>3 Q. Okay. Am I correct that your -- I want</p> <p>4 to actually ask a couple of other questions. Do</p> <p>5 any of NuStar's employees help in recruiting</p> <p>6 workers at the farm?</p> <p>7 A. Yeah. Some of my guys, they go, "Oh,</p> <p>8 I've got a friend that wants to work," if we're</p> <p>9 looking for somebody.</p> <p>10 Q. Got it. Okay. So you'll get like</p> <p>11 recommendations, essentially, from people that</p> <p>12 work there?</p> <p>13 A. Yeah. Yeah, I guess you could call it</p> <p>14 recommendations. Yeah.</p> <p>15 Q. Right. And so this could be -- does</p> <p>16 [REDACTED] sometimes say, "Hey, I've got a</p> <p>17 friend who needs to work"? Is he somebody that</p> <p>18 has offered recommendations in the past?</p> <p>19 A. Yeah, he has.</p> <p>20 Q. Okay.</p> <p>21 A. Probably in the time that he's been</p> <p>22 there, yeah.</p> <p>23 Q. [REDACTED]?</p> <p>24 A. Yeah, probably.</p> <p>25 Q. Okay. And [REDACTED] as well?</p>

14 (Pages 50 - 53)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 54</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. And then those -- And then after</p> <p>3 they have that recommendation, those persons</p> <p>4 might then come to the -- would -- Strike that.</p> <p>5 After you get that</p> <p>6 recommendation, they'll then have the person</p> <p>7 come to the farm and fill out an application?</p> <p>8 A. Generally, yes.</p> <p>9 Q. Unless they've already filled one out;</p> <p>10 right?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And then you obviously would</p> <p>13 give more consideration to that person because</p> <p>14 they were recommended by one of your longtime</p> <p>15 employees; right?</p> <p>16 A. Of course, yeah.</p> <p>17 Q. Okay. All right. Am I correct that</p> <p>18 Anthony Nunes, Jr., and Toni Dian Nunes are the</p> <p>19 owners of NuStar Farms, LLC, at the moment?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. And I think I've heard that you,</p> <p>22 meaning Anthony Nunes, III, run the day-to-day</p> <p>23 operations; right?</p> <p>24 A. Well, my wife and I are also owners as</p> <p>25 well.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Okay. And the other 90 percent are</p> <p>2 still held by your parents, namely Anthony</p> <p>3 Nunes, Jr., and Toni Dian Nunes; right?</p> <p>4 A. I do believe so, yes.</p> <p>5 Q. Okay. And are you aware of any plans</p> <p>6 for you to increase your share of ownership over</p> <p>7 time?</p> <p>8 A. That's not up to me.</p> <p>9 Q. Okay. So you just aren't -- you don't</p> <p>10 know, it maybe happens, maybe it doesn't, it's</p> <p>11 not up to you?</p> <p>12 A. Not up to me.</p> <p>13 Q. Very well. So now -- now talking about</p> <p>14 sort of the operations of NuStar, to what extent</p> <p>15 is Anthony Nunes, Jr., involved in running the</p> <p>16 farm on a day-to-day basis?</p> <p>17 A. He doesn't necessarily run it on a</p> <p>18 day-to-day basis, no.</p> <p>19 Q. Okay.</p> <p>20 A. He's there every day, but I have to</p> <p>21 take care of everything else.</p> <p>22 Q. Got it. What is -- And I realize now</p> <p>23 you're talking about Anthony Nunes, Jr., even</p> <p>24 though he's right in the room here, but what</p> <p>25 does Anthony Nunes, Jr., do on a daily basis at</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Oh, you're owners now? Excellent.</p> <p>2 A. We have been for -- for a little while.</p> <p>3 Q. Oh, great. When -- When were you</p> <p>4 owner -- When did you become an owner?</p> <p>5 A. Like 2019 or '20 we became -- What was</p> <p>6 it? '20? It was either 2019 -- I think it was</p> <p>7 2019.</p> <p>8 Q. Okay. Is that -- Was that kind of</p> <p>9 always part of the plan, that eventually you</p> <p>10 would take over ownership and then eventually</p> <p>11 own the whole thing?</p> <p>12 Sorry. Strike that.</p> <p>13 And the "you" there, I'm</p> <p>14 referring to Anthony Nunes, III, and your wife,</p> <p>15 Lori Nunes. Is the idea that eventually this</p> <p>16 place will -- that NuStar Farms, LLC, ownership</p> <p>17 will transition entirely to you guys?</p> <p>18 A. That I have no -- I can't answer that</p> <p>19 question.</p> <p>20 Q. Okay. What percentage do you own,</p> <p>21 Anthony Nunes, III, at present?</p> <p>22 A. 5 percent.</p> <p>23 Q. Okay. And what percent does Lori Nunes</p> <p>24 own at present?</p> <p>25 A. 5 percent.</p>	<p style="text-align: right;">Page 57</p> <p>1 the farm?</p> <p>2 A. Whatever needs done. Whatever help is</p> <p>3 needed.</p> <p>4 Q. Okay. So does he have an office?</p> <p>5 A. No.</p> <p>6 Q. All right. So where does he like -- if</p> <p>7 you're running the day to day and if Anthony</p> <p>8 Nunes, Jr., is not necessarily running the day</p> <p>9 to day, what's he spending his time doing over</p> <p>10 the course of the day?</p> <p>11 A. Well, we have a farm.</p> <p>12 Q. Right. Got that.</p> <p>13 A. We have a family farm that everybody</p> <p>14 has to work on.</p> <p>15 Q. Okay. So it's just various things may</p> <p>16 come up and he'll help out?</p> <p>17 A. Yeah. If it's between getting parts or</p> <p>18 whatever needs to be done.</p> <p>19 Q. Okay. Fine. Now let's talk about</p> <p>20 Anthony Nunes, III, i.e., you in your personal</p> <p>21 capacity. What do you do at the farm on a daily</p> <p>22 basis?</p> <p>23 A. Daily operations.</p> <p>24 Q. Okay. What does that look like?</p> <p>25 A. From purchasing feed to making sure</p>

15 (Pages 54 - 57)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 16 of 105

App. 137

<p style="text-align: right;">Page 58</p> <p>1 work is completed to checking cows. I do it</p> <p>2 all.</p> <p>3 Q. Got it. Okay. And you have a number</p> <p>4 of employees who work there as well; right?</p> <p>5 A. Yeah. Yeah.</p> <p>6 Q. All right. And do they all -- they all</p> <p>7 report to you?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So does NuStar Farms have like</p> <p>10 an org chart or anything like that?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. What -- What is that?</p> <p>14 Q. An organizational chart --</p> <p>15 A. Oh, no.</p> <p>16 Q. -- sort of showing who would report to</p> <p>17 whom or anything like that.</p> <p>18 A. No.</p> <p>19 Q. Gotcha.</p> <p>20 A. No. We're a small family farm.</p> <p>21 There's -- We're not big. We don't have an HR</p> <p>22 department. We don't have any of that.</p> <p>23 Q. Okay. What does Lori Nunes do?</p> <p>24 A. She does -- She takes care of calves</p> <p>25 and -- and books.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No.</p> <p>2 Q. Okay. So you make all the hiring and</p> <p>3 firing decisions?</p> <p>4 A. Unfortunately there's sometimes you've</p> <p>5 got to fire people, yes.</p> <p>6 Q. Sure. And you have had to fire people</p> <p>7 from time to time?</p> <p>8 A. Sometimes you have to do that.</p> <p>9 Unfortunately -- You don't want that to happen,</p> <p>10 but unfortunately it does happen.</p> <p>11 Q. Okay. And does Lori Nunes assist with</p> <p>12 sort of onboarding paperwork for hiring? Does</p> <p>13 she assist with the paperwork for hiring, Lori?</p> <p>14 A. Once I -- Once I get it, then she --</p> <p>15 she gets it and then makes sure that it's all</p> <p>16 correct, enters it into QuickBooks.</p> <p>17 Q. Got it. Okay. And then for the I-9</p> <p>18 process, who -- who oversees that at NuStar</p> <p>19 Farms?</p> <p>20 A. Well, I receive that, yes. I get that</p> <p>21 from the employee.</p> <p>22 Q. Okay.</p> <p>23 A. We give them a packet, and then they --</p> <p>24 they give us the packet back completed.</p> <p>25 Q. Got it. Okay.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Calves and books?</p> <p>2 A. Yep.</p> <p>3 Q. Okay. Anything else that she does?</p> <p>4 A. Takes care of the children.</p> <p>5 Q. Your children; right?</p> <p>6 A. Yeah.</p> <p>7 Q. Gotcha. Okay. By "you," I mean</p> <p>8 Anthony Nunes, III's children.</p> <p>9 A. Yeah. She takes care of our -- our</p> <p>10 children and -- and works on the farm.</p> <p>11 Q. Okay. And then --</p> <p>12 A. Whatever she needs -- Whatever capacity</p> <p>13 she needs to do.</p> <p>14 Q. And you referred to books. What kind</p> <p>15 of books?</p> <p>16 A. Oh, yes. I should have -- She does the</p> <p>17 accounting. Entering bills, paying bills,</p> <p>18 things like that.</p> <p>19 Q. Got it. Okay. Who handles the</p> <p>20 employment process at -- Strike that.</p> <p>21 Who is in charge of hiring, we'll</p> <p>22 start there, at NuStar Farms?</p> <p>23 A. I guess I would be.</p> <p>24 Q. Okay. Does Lori Nunes play a role in</p> <p>25 hiring?</p>	<p style="text-align: right;">Page 61</p> <p>1 A. And then we fill out our portion of it.</p> <p>2 Q. Okay. And who is the "we" that's</p> <p>3 filling out that portion of it? Like who at</p> <p>4 NuStar fills it out?</p> <p>5 A. Oh, I'm sorry. Like Nu -- well, I'm</p> <p>6 saying "we" as in NuStar Farms.</p> <p>7 Q. Right. Gotcha.</p> <p>8 A. So my wife or I.</p> <p>9 Q. Got it. Okay. Does your wife tend to</p> <p>10 do it more often than you or you more often than</p> <p>11 her?</p> <p>12 A. Once again, she does -- she does the</p> <p>13 entering of it. She looks at it for</p> <p>14 correctness. I look at certain parts, I'll sign</p> <p>15 my name to the bottom, and then she takes it</p> <p>16 from there and makes sure that -- not the I-9s,</p> <p>17 necessarily. She'll look at the I-9s, but I</p> <p>18 finish that, complete it, then pass it to her,</p> <p>19 and then she'll take it from there.</p> <p>20 Q. Okay. All right. I'm sorry, so who</p> <p>21 tends to complete the portion of the I-9s that</p> <p>22 the employer is supposed to complete? Is it you</p> <p>23 or Lori?</p> <p>24 A. I do it most of the time.</p> <p>25 Q. Okay.</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 A. Yeah.</p> <p>2 Q. Got it.</p> <p>3 A. Unless there's something I skipped or</p> <p>4 missed or something, then she'll -- she'll --</p> <p>5 Q. Okay.</p> <p>6 A. -- take care of that.</p> <p>7 Q. All right. Are you -- Is NuStar -- So</p> <p>8 now transitioning back to talking about NuStar,</p> <p>9 to you as NuStar. Okay?</p> <p>10 A. Okay.</p> <p>11 Q. Is NuStar involved in any industry</p> <p>12 groups or trade organizations?</p> <p>13 A. NuStar Farms itself a trade</p> <p>14 organization?</p> <p>15 Q. Yeah.</p> <p>16 A. Yeah. We have -- We have to be, I</p> <p>17 mean, as part of the checkoff. I guess is that</p> <p>18 what you mean?</p> <p>19 Q. I -- Maybe that's what I mean. Let me</p> <p>20 ask you this. What trade organizations or</p> <p>21 industry groups does NuStar participate in?</p> <p>22 A. I guess I -- I don't understand what</p> <p>23 you mean by that.</p> <p>24 Q. Sure. Have you heard of something</p> <p>25 called WIDA or the Western Iowa Dairy Alliance?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Midwest Dairy Alliance?</p> <p>2 Q. Have you heard of the Midwest Dairy</p> <p>3 Alliance?</p> <p>4 A. No, I don't think so.</p> <p>5 Q. Okay. So help me --</p> <p>6 A. Oh, MD -- they use a lot of acronyms.</p> <p>7 I don't -- I mean, we're part of Midwest Dairy.</p> <p>8 Q. Got it.</p> <p>9 A. But that's part of Iowa's -- that's --</p> <p>10 Iowa's checkoff dollars go there, and then they</p> <p>11 have to give it to the national. It's -- It's</p> <p>12 no different than the corn industry, the beef.</p> <p>13 It's -- It's all set up through the government.</p> <p>14 It's -- The checkoff is automatically taken out.</p> <p>15 Q. It's automatically taken out of the</p> <p>16 revenue that you generate from the sale of milk?</p> <p>17 A. That's correct.</p> <p>18 Q. I see. Okay. I think I saw an Anthony</p> <p>19 Nunes listed on the board of the Iowa division</p> <p>20 of something called Midwest Dairy. Which --</p> <p>21 First of all, am I correct that there is an</p> <p>22 Anthony Nunes on the board of the Iowa division</p> <p>23 of Midwest Dairy?</p> <p>24 A. That's correct.</p> <p>25 Q. Which Anthony Nunes is it?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Oh, WIDA?</p> <p>2 Q. Is it WIDA?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. Have you heard of that?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. Does NuStar participate in WIDA?</p> <p>7 A. No, we do not.</p> <p>8 Q. Okay. Is there a reason why you don't?</p> <p>9 A. Because I feel that it should be</p> <p>10 covered by -- it should be covered by the</p> <p>11 checkoff dollars. We shouldn't have to have an</p> <p>12 independent group. I shouldn't have to pay for</p> <p>13 an independent group that we're already paying</p> <p>14 for anyways through the checkoff dollars.</p> <p>15 Q. Okay. What are checkoff dollars? I'm</p> <p>16 sorry. You keep referring to checkoff dollars.</p> <p>17 A. Yeah. That's correct.</p> <p>18 Q. What are checkoff dollars?</p> <p>19 A. Checkoff dollars are money that's taken</p> <p>20 out of our milk check that has to be</p> <p>21 proportioned -- that has to be given to the</p> <p>22 dairy industry itself.</p> <p>23 Q. Got it. Is -- Okay. Is -- The</p> <p>24 checkoff, is that in some way related to the</p> <p>25 Midwest Dairy Alliance?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. III.</p> <p>2 Q. Okay. So you're on the board there;</p> <p>3 right? You, Anthony Nunes, III, are on the</p> <p>4 board?</p> <p>5 A. Okay. Yes. Yes.</p> <p>6 Q. Okay. Great. What do you do as a</p> <p>7 board member of the Iowa division of Midwest</p> <p>8 Dairy, "you" being Anthony Nunes, III?</p> <p>9 A. We just talk about dairy issues,</p> <p>10 whatever they're working on, just go through</p> <p>11 that.</p> <p>12 Q. Okay. Do you -- It sounds like you</p> <p>13 have meetings from time to time?</p> <p>14 A. Yeah. Finally.</p> <p>15 Q. Right. So you haven't had --</p> <p>16 A. I've only been on the board two years.</p> <p>17 Q. I gotcha.</p> <p>18 A. This is the second -- The first year</p> <p>19 was COVID, so we just had some Zoom meetings,</p> <p>20 which were -- you know how Zoom meetings are.</p> <p>21 They're not real productive.</p> <p>22 Q. Right. Do you ever address -- Do you</p> <p>23 address issues concerning employment or the</p> <p>24 labor pool with Midwest Dairy?</p> <p>25 A. No.</p>

17 (Pages 62 - 65)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 66</p> <p>1 Q. Okay.</p> <p>2 A. I've -- We've never did that, no,</p> <p>3 because -- No.</p> <p>4 Q. Okay. How did you get on the board?</p> <p>5 A. You're appointed.</p> <p>6 Q. I see. Appointed by whom?</p> <p>7 A. Through -- Through the creamery.</p> <p>8 Q. What's the creamery?</p> <p>9 A. Who buys our milk.</p> <p>10 Q. Is that -- I think it's called Agropur?</p> <p>11 Agropur?</p> <p>12 A. Agropur.</p> <p>13 Q. Agropur?</p> <p>14 A. Yeah. That's correct.</p> <p>15 Q. And did -- And what was -- there was a</p> <p>16 name -- is that the same company you more or</p> <p>17 less always sold almost all of your milk too?</p> <p>18 A. No.</p> <p>19 Q. There was previously a different</p> <p>20 company; right?</p> <p>21 A. Yes.</p> <p>22 Q. And what was the other one before that?</p> <p>23 A. Which one?</p> <p>24 Q. I'll check my notes.</p> <p>25 A. The one before Agropur?</p>	<p style="text-align: right;">Page 68</p> <p>1 with the Iowa State Dairy Association on</p> <p>2 anything?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. Not that I recall.</p> <p>6 Q. All right.</p> <p>7 A. Meaning NuStar Farms; right?</p> <p>8 Q. NuStar Farms.</p> <p>9 A. I guess I get confused some there.</p> <p>10 NuStar Farms --</p> <p>11 Q. So I'm asking about NuStar Farms;</p> <p>12 right?</p> <p>13 A. Yeah. Okay. Yeah. No, we never have.</p> <p>14 Q. Okay.</p> <p>15 A. I mean, I may have in -- as personally</p> <p>16 we're on the board of -- of Midwest Dairy, Iowa</p> <p>17 division, I may have indirectly did, but I</p> <p>18 don't -- I don't -- we don't directly work with</p> <p>19 them, no, as NuStar Farms.</p> <p>20 Q. Got it. So you are, of course, on --</p> <p>21 Well, strike that.</p> <p>22 So now speaking about what you</p> <p>23 have done indirectly, "you" being Anthony Nunes,</p> <p>24 III --</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Yes.</p> <p>2 A. Was called Davisco.</p> <p>3 Q. Davisco. Right. So those are two</p> <p>4 separate entities, Davisco and Agropur?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. Why did you change from --</p> <p>7 A. We didn't. They bought them out.</p> <p>8 Q. I see. Agro -- Just to make it clear,</p> <p>9 Agropur bought out Davisco; right?</p> <p>10 A. That's correct.</p> <p>11 Q. Got it. So you continued -- you</p> <p>12 continued more or less doing the same thing, but</p> <p>13 it was just now a different company?</p> <p>14 A. Yeah. We were a patron with Davisco</p> <p>15 and just transferred over.</p> <p>16 Q. Got it. Okay. What about the Iowa</p> <p>17 State Dairy Association? Are you familiar with</p> <p>18 that trade organization?</p> <p>19 A. I don't -- Yeah, I -- I heard of it, I</p> <p>20 guess. It's not all part of the same -- they</p> <p>21 kind of all go together, so it's hard to -- I</p> <p>22 don't remember.</p> <p>23 Q. Got it.</p> <p>24 A. I don't know which one that one is.</p> <p>25 Q. Right. Right. Have you ever worked</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. -- indirectly with the Iowa State Dairy</p> <p>2 Association, okay --</p> <p>3 A. No. I've -- I don't recall doing</p> <p>4 anything with them.</p> <p>5 Q. Directly or indirectly you don't recall</p> <p>6 doing anything?</p> <p>7 A. Yeah, I don't recall doing anything</p> <p>8 with them.</p> <p>9 Q. Okay. Okay.</p> <p>10 A. Just to clarify --</p> <p>11 Q. Sure.</p> <p>12 A. -- I don't understand how -- some of</p> <p>13 those groups, they all kind of tie together</p> <p>14 because it's part of the checkoff.</p> <p>15 I don't -- I don't recall how all</p> <p>16 that works.</p> <p>17 Q. Got it.</p> <p>18 A. There's a lot of groups. A lot of</p> <p>19 groups.</p> <p>20 Q. Okay. Let me ask briefly about Devin</p> <p>21 Nunes. So Devin is your brother; correct?</p> <p>22 Anthony Nunes, III's brother; right?</p> <p>23 A. That's correct.</p> <p>24 Q. All right. And he grew up working on</p> <p>25 farms; right? Devin.</p>

18 (Pages 66 - 69)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 18 of 105

App. 140

<p style="text-align: right;">Page 70</p> <p>1 A. Well, he was -- he was on the family</p> <p>2 farm, yes.</p> <p>3 Q. All right. Out in California; right?</p> <p>4 A. Yes.</p> <p>5 Q. Do you stay in touch with Devin?</p> <p>6 A. Yes.</p> <p>7 Q. Do you talk about your farm or NuStar</p> <p>8 Farms, LLC, with Devin?</p> <p>9 A. In what capacity?</p> <p>10 Q. I don't know. Just anything. Do you</p> <p>11 talk about how things are going on the farm?</p> <p>12 A. We just talk. We just talk, yeah.</p> <p>13 Q. As brothers would talk?</p> <p>14 A. He's my brother, yeah.</p> <p>15 Q. Sure. Fair enough. Do you think he's</p> <p>16 aware of issues that affect the agricultural</p> <p>17 industry?</p> <p>18 A. I would hope so.</p> <p>19 Q. All right. Especially dairy farms?</p> <p>20 A. I would think -- He has a lot of</p> <p>21 dairies in his district, so I would hope he</p> <p>22 would. That's part of his job, I would assume.</p> <p>23 Q. Right. You think you -- well, not just</p> <p>24 from assumptions, but you are his brother. I</p> <p>25 would take it just from having spoken to him</p>	<p style="text-align: right;">Page 72</p> <p>1 MR. BOYER: Well, I'm going to</p> <p>2 ask a couple of questions that may or may not</p> <p>3 establish the relevance. It hasn't been</p> <p>4 produced because it's not a pre-existing company</p> <p>5 document. It was obtained by attorneys in the</p> <p>6 course of our work and therefore was attorney</p> <p>7 work product until the moment in which I wanted</p> <p>8 to discuss it with the witness. It was publicly</p> <p>9 available, and if you thought it relevant, you</p> <p>10 could discuss it with him, but I'm going to ask</p> <p>11 some questions and we'll see.</p> <p>12 MR. BISS: Well, how would I --</p> <p>13 how would I know it existed?</p> <p>14 MR. BOYER: What's that?</p> <p>15 MR. BISS: How would I know it</p> <p>16 existed and to look for it?</p> <p>17 MR. BOYER: Why don't I ask some</p> <p>18 questions and we can have further discussions</p> <p>19 offline, if needed.</p> <p>20 MR. BISS: Okay.</p> <p>21 Q. So, Mr. Nunes, I've handed you a</p> <p>22 document that at the top it says "Farm Workforce</p> <p>23 Modernization Act." Do you see the headline</p> <p>24 there?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 over a number of years you believe that he is</p> <p>2 knowledgeable about the dairy industry and its</p> <p>3 issues; right?</p> <p>4 A. I would say he is.</p> <p>5 Q. Okay. That's fine.</p> <p>6 MS. BOYER: I'll mark this as</p> <p>7 Defendants' 11. Defendants' 11.</p> <p>8 (Exhibit 11 was marked for</p> <p>9 identification by the reporter.)</p> <p>10 Q. So now I'm going to ask you some</p> <p>11 questions --</p> <p>12 A. Are we done with number 10?</p> <p>13 Q. Yeah, you can set that aside. Let's</p> <p>14 talk about Defendants' 11. I've just handed you</p> <p>15 a document that has been marked as Defendants'</p> <p>16 11.</p> <p>17 MR. BISS: Nate, I note that this</p> <p>18 document doesn't have any Bates stamp on it.</p> <p>19 Where did it come from?</p> <p>20 MR. BOYER: Where did it come</p> <p>21 from? It came from the web -- from the internet</p> <p>22 from the office of Representative Zoe Lofgren.</p> <p>23 MR. BISS: All right. And -- And</p> <p>24 why is it relevant to this case, and why hasn't</p> <p>25 it been produced in discovery?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Are you aware of what the Farm</p> <p>2 Workforce Modernization Act is?</p> <p>3 A. No.</p> <p>4 Q. Have you ever heard of it?</p> <p>5 A. No.</p> <p>6 Q. Have you ever discussed this with</p> <p>7 Congressman Nunes?</p> <p>8 A. No.</p> <p>9 Q. You've never heard of it, so obviously</p> <p>10 you didn't discuss it with him; right? Fair</p> <p>11 enough.</p> <p>12 So the document I've shown you I</p> <p>13 will represent appears to be a two-page summary</p> <p>14 of this bill. So this is a -- again, I will</p> <p>15 further represent to you that this is a summary</p> <p>16 of a bill that has been co-sponsored by Devin</p> <p>17 Nunes in congress. I take it you didn't know</p> <p>18 that; right?</p> <p>19 A. That's correct. I did not know that.</p> <p>20 Q. All right. So if you look at page 1</p> <p>21 here toward the top it says in the second</p> <p>22 sentence "Due to the diminishing supply of U.S.</p> <p>23 workers willing to perform migrant farm labor,</p> <p>24 our nation's farmers are increasingly dependent</p> <p>25 on foreign workers to meet labor demands."</p>

19 (Pages 70 - 73)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 74</p> <p>1 Okay? Do you agree with that</p> <p>2 statement?</p> <p>3 A. I -- Not necessarily, no.</p> <p>4 Q. Okay. Why don't you agree?</p> <p>5 A. There's -- I always have people showing</p> <p>6 up to work. So every time we need somebody to</p> <p>7 fill, we can -- we fill the spot. It may take</p> <p>8 awhile, but we -- we always try to run a full</p> <p>9 team at the farm.</p> <p>10 Q. Got it. Okay. But this isn't about</p> <p>11 whether or not somebody will be there to do the</p> <p>12 work; right? This is a statement about that</p> <p>13 there's a, quote, diminishing supply of U.S.</p> <p>14 workers willing to perform migrant farm labor</p> <p>15 and therefore farmers are increasingly dependent</p> <p>16 on foreign workers to meet labor demands. Do</p> <p>17 you agree that farmers are --</p> <p>18 A. I can't answer that question. I don't</p> <p>19 know.</p> <p>20 Q. You don't know one way or another?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. So a little bit further down,</p> <p>23 right under where it says "Title I," it says</p> <p>24 "This title -- This title establishes a program</p> <p>25 for agricultural workers in the United States</p>	<p style="text-align: right;">Page 76</p> <p>1 is that the -- they are entirely -- or at least</p> <p>2 the overwhelming majority of them are meant for</p> <p>3 seasonal agricultural workers, and therefore</p> <p>4 dairy workers can't get them.</p> <p>5 Is that your -- What I just said</p> <p>6 right there, does that refresh your recollection</p> <p>7 as to what an H-2A visa is?</p> <p>8 A. No.</p> <p>9 Q. Okay. You've never had any dealings</p> <p>10 with H-2A visas?</p> <p>11 A. No.</p> <p>12 Q. All right. No one has ever showed up</p> <p>13 to work on the farm and said, "Hey, here's an</p> <p>14 H-2A visa"?</p> <p>15 A. Yeah, I never -- I don't -- I don't</p> <p>16 know nothing about it.</p> <p>17 Q. Okay. Got it. Why don't we set this</p> <p>18 aside.</p> <p>19 Are you familiar with some of the</p> <p>20 other dairy farmers in northwest Iowa?</p> <p>21 A. Yeah. It's not a very big community.</p> <p>22 We all know each other.</p> <p>23 Q. Darin Dykstra is one of them; right?</p> <p>24 A. Darin Dykstra is down by Maurice.</p> <p>25 Q. Okay. Do you -- Do you stay in touch</p>
<p style="text-align: right;">Page 75</p> <p>1 (and their spouses and minor children) to earn</p> <p>2 legal status through continued agricultural</p> <p>3 employment."</p> <p>4 Would NuStar consider that to be</p> <p>5 a good thing, if its agricultural workers could</p> <p>6 earn legal status through continued agricultural</p> <p>7 employment?</p> <p>8 MR. BISS: Nate, could you</p> <p>9 explain the concept of a good thing?</p> <p>10 MR. BOYER: Sure.</p> <p>11 Q. Would NuStar -- Would that be helpful</p> <p>12 to NuStar's business?</p> <p>13 A. I -- I can't answer that.</p> <p>14 Q. Okay. Would it be helpful to NuStar's</p> <p>15 workers?</p> <p>16 A. I can't answer that either.</p> <p>17 Q. Okay.</p> <p>18 A. I don't -- I don't know nothing about</p> <p>19 this. This is the first time I'm seeing it.</p> <p>20 Q. Fair enough. Have you heard of H-2A</p> <p>21 visas?</p> <p>22 A. No.</p> <p>23 Q. Okay. If I -- So just -- I'll say</p> <p>24 something and see if it refreshes your</p> <p>25 recollection. My understanding of an H-2A visa</p>	<p style="text-align: right;">Page 77</p> <p>1 with him?</p> <p>2 A. I mean, I don't talk to him regularly,</p> <p>3 no.</p> <p>4 Q. Okay. How often do you talk to him?</p> <p>5 A. Just when I see him.</p> <p>6 Q. How often do you see him?</p> <p>7 A. Just -- I don't know. A couple times a</p> <p>8 year.</p> <p>9 Q. You're generally not going out of your</p> <p>10 way to speak to him, but if you run into him at</p> <p>11 something, you'll chat -- you'll chat with him.</p> <p>12 Is that about right?</p> <p>13 A. Yeah.</p> <p>14 Q. Sounds good. Did you ever speak with</p> <p>15 him about this case?</p> <p>16 A. Yeah. Because he called when you guys</p> <p>17 showed up at his door.</p> <p>18 Q. Okay. And what did he say to you?</p> <p>19 A. That -- He said that Ryan Lizza showed</p> <p>20 up, wanted to talk to him about immigration</p> <p>21 stuff. I don't -- Talk about workers,</p> <p>22 immigration stuff. And then when Darin said he</p> <p>23 didn't want to talk to him, then he directly</p> <p>24 asked about us.</p> <p>25 Q. Um-hum. Okay. And when did this --</p>

20 (Pages 74 - 77)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 21 of 105

App. 142

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 78</p> <p>1 A. And at that point Darin realized that</p> <p>2 there was obviously an obvious issue, that it</p> <p>3 was politically motivated.</p> <p>4 Q. Okay. When did this conversation with</p> <p>5 Darin happen?</p> <p>6 A. I don't -- I don't recall exactly when.</p> <p>7 It was before the article came out. Ryan Lizza</p> <p>8 contacted him.</p> <p>9 Q. I see. So while Ryan was doing his</p> <p>10 reporting and talking with Darin, Darin called</p> <p>11 you and said, "Hey, Ryan came and spoke with</p> <p>12 me"; right?</p> <p>13 MR. BISS: Object to the form.</p> <p>14 A. I don't --</p> <p>15 Q. It was before the article came out;</p> <p>16 right?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay.</p> <p>19 A. As I recall.</p> <p>20 Q. That's fine. It wasn't -- It wasn't in</p> <p>21 the last month or two; right?</p> <p>22 A. No.</p> <p>23 Q. It was -- It was back in 2018?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So just curious, what do you --</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. All right.</p> <p>2 A. Not that I recall.</p> <p>3 Q. All right.</p> <p>4 A. I mean, we might have said hi. It's a</p> <p>5 small community, the dairy stuff is.</p> <p>6 Q. Sure. Let's talk a little bit about</p> <p>7 the farm generally. So how big is the farm in</p> <p>8 terms of number of cows?</p> <p>9 A. 2,000.</p> <p>10 Q. 2,000. Has that been relatively stable</p> <p>11 over the years?</p> <p>12 A. We've -- We've grown a little bit,</p> <p>13 yeah.</p> <p>14 Q. Okay.</p> <p>15 A. We've grown.</p> <p>16 Q. So what was sort of the low and what's</p> <p>17 sort of the high over the years?</p> <p>18 A. Well, when we started, it was -- it was</p> <p>19 1,200, I think. 1,150, 1,200.</p> <p>20 Q. And I think -- I think that Dairy Star</p> <p>21 article we were looking at, it talked about how</p> <p>22 one of the first things you did was you looked</p> <p>23 to increase the size of the farm, right, after</p> <p>24 purchasing it?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 79</p> <p>1 what do you, Anthony Nunes, III, think of Darin</p> <p>2 Dykstra? Do you like him?</p> <p>3 A. Yeah. He's a nice guy. Yeah.</p> <p>4 Q. Okay. Has he ever lied to you about</p> <p>5 anything?</p> <p>6 A. Has he ever lied to me about anything?</p> <p>7 Q. That's right.</p> <p>8 A. Not that I know of.</p> <p>9 Q. Okay. Let's talk about Alan Feuerhelm.</p> <p>10 Do you know him as well?</p> <p>11 A. He's on the board with me.</p> <p>12 Q. Oh, the board of --</p> <p>13 A. He's on the -- He's on the Midwest</p> <p>14 Dairy, Iowa division, board.</p> <p>15 Q. Got it. Okay. Do you -- So I assume</p> <p>16 you talk to him in connection with your role on</p> <p>17 the board; right?</p> <p>18 A. Really it's the first time -- I might</p> <p>19 have met him once before a long time ago, but</p> <p>20 I've never -- just the other day -- last</p> <p>21 Thursday I met him for the first time, pretty</p> <p>22 much in the board capacity.</p> <p>23 Q. Got it. And had you ever spoken with</p> <p>24 him before then?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. Yeah. Okay. So did it go from 1,200</p> <p>2 to close to 2,000 pretty quickly after you</p> <p>3 purchased it?</p> <p>4 A. No.</p> <p>5 Q. Okay. It's just progressed -- slowly</p> <p>6 progressed over the years?</p> <p>7 A. No. We just did some modernization on</p> <p>8 the dairy.</p> <p>9 Q. Got it. Okay. How many acres of land</p> <p>10 is NuStar Farms?</p> <p>11 A. Oh, it's -- I think we're a big</p> <p>12 whopping 34 or something like that.</p> <p>13 Q. Okay. And how many workers does it</p> <p>14 take to run the farm?</p> <p>15 A. All of them.</p> <p>16 Q. Okay. Is there a number for how many</p> <p>17 you want to have employed at any given time?</p> <p>18 A. 14.</p> <p>19 Q. That's your target, to have 14</p> <p>20 employees?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And I assume that from time</p> <p>23 to time you lose some people and you need to</p> <p>24 replace them, so there might be times when</p> <p>25 there's a little below that?</p>

21 (Pages 78 - 81)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 28 of 105

App. 143

<p style="text-align: right;">Page 82</p> <p>1 A. Sometimes you -- you're over, sometimes</p> <p>2 you're under.</p> <p>3 Q. Okay. What might cause you to be over</p> <p>4 14?</p> <p>5 A. Say we got a new person in through</p> <p>6 their time -- so now between their trial period,</p> <p>7 maybe they're just not working out, so you hire</p> <p>8 somebody else in between just to try to train</p> <p>9 them.</p> <p>10 Q. Got it. Tell me about the trial</p> <p>11 period. What's that? What is the trial period</p> <p>12 you just referred to?</p> <p>13 A. Usually we -- we -- like now we updated</p> <p>14 our protocol to where we wait six months and see</p> <p>15 how they work out.</p> <p>16 Q. Okay. Did you have -- Was the trial</p> <p>17 period shorter in the past?</p> <p>18 A. A lot of times new people, we have to</p> <p>19 train them fully on their job. And after</p> <p>20 awhile, they decided they don't want to do it or</p> <p>21 it's just not for them.</p> <p>22 Q. Got it. Okay. And so have -- let me</p> <p>23 just ask this question. Has NuStar always had a</p> <p>24 trial period for new hires?</p> <p>25 A. Yeah. We have to train -- We have to</p>	<p style="text-align: right;">Page 84</p> <p>1 our long-term employees and everything, to make</p> <p>2 their job -- to make them happier at their job,</p> <p>3 they like to have -- where if this guy is going</p> <p>4 to work with me, this -- this person is going to</p> <p>5 work with me or not.</p> <p>6 Q. Gotcha.</p> <p>7 A. It's more for the employees, to make</p> <p>8 sure they're happy.</p> <p>9 Q. Right. So you have long-term employees</p> <p>10 like [REDACTED], people like</p> <p>11 that, you want to make sure that they are</p> <p>12 working with people who they like working with?</p> <p>13 A. Well, not necessarily those guys, but</p> <p>14 there's a lot of other guys too. Yeah.</p> <p>15 Q. Sure. Got it. Okay. And that --</p> <p>16 Okay. Fine. Did the trial period used to be</p> <p>17 shorter than six months?</p> <p>18 It's not a trick question. I'm</p> <p>19 just --</p> <p>20 A. I mean --</p> <p>21 Q. You keep on talking about a trial</p> <p>22 period, and you say it's six months. I just</p> <p>23 didn't know if it used to be shorter than that</p> <p>24 or not.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 83</p> <p>1 train them into our protocols.</p> <p>2 Q. Got it. And at present, that trial</p> <p>3 period is six months; right?</p> <p>4 A. Generally, yes.</p> <p>5 Q. Okay.</p> <p>6 A. Because we start -- Yeah.</p> <p>7 Q. Did it used to be a different amount of</p> <p>8 time?</p> <p>9 A. Yeah, probably. We just -- A lot of</p> <p>10 times you just work. I mean, they're employees.</p> <p>11 We're trying to -- You've just got to train</p> <p>12 them. Sometimes they just don't work out into</p> <p>13 the -- into the system. They either decide they</p> <p>14 want to move on and go to another job somewhere</p> <p>15 else or -- or they don't.</p> <p>16 Q. I take from what you're saying, but</p> <p>17 maybe I'm not interpreting this correctly, that</p> <p>18 it just kind of ultimately depends on the worker</p> <p>19 and whether it's working out how long their</p> <p>20 trial period will be, whether they stick around,</p> <p>21 things like that?</p> <p>22 A. Yeah. I mean, we just implemented a</p> <p>23 different trial period here recently just to</p> <p>24 make sure that we're trying to -- quality</p> <p>25 employees. Because the -- through meetings with</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Yeah, it did? Okay. How long was it</p> <p>2 before?</p> <p>3 A. I don't remember. I don't recall.</p> <p>4 Q. Okay. All right. So among the</p> <p>5 employees, other than you and Lori, of course,</p> <p>6 do any of -- is there anybody reporting to other</p> <p>7 people? Like, for example, does -- let me ask</p> <p>8 you -- let me ask you a more specific question.</p> <p>9 Does [REDACTED] have anybody reporting to</p> <p>10 him?</p> <p>11 A. No.</p> <p>12 Q. Okay. Does [REDACTED]</p> <p>13 have anybody reporting to him?</p> <p>14 A. No.</p> <p>15 Q. [REDACTED]</p> <p>16 A. No.</p> <p>17 Q. Are there any persons other than</p> <p>18 Anthony Nunes, III, who work at the farm and</p> <p>19 have people reporting to them?</p> <p>20 A. Not that I know of.</p> <p>21 Q. Essentially the lines of reporting are</p> <p>22 that everybody reports directly to you, Anthony</p> <p>23 Nunes, III?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay.</p>

22 (Pages 82 - 85)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 86</p> <p>1 A. We're a small family farm. There's not 2 an HR department. There's not a whole lot of 3 managers. It's just -- There's just a few of 4 us. 5 Q. No. I understand that there's -- as 6 you say, 14 people would be working with you. 7 That's the target number at any given time; 8 right? 9 A. That's correct. 10 Q. Right? 11 A. Not at any given -- I mean, we -- we 12 run 24 hours a day, seven days a week, 365 days 13 a year. 14 Q. I -- 15 A. Everybody has their times off, and 16 there's always -- we're always working. 17 Q. No. I've had to learn a little bit 18 about the dairy industry for this case, and I 19 know cows have got to be milked all around the 20 clock. Well, not all around the clock, but 21 there's shifts in which they've got to be -- 22 A. Yeah, I can tell you really don't know 23 too much about it. 24 Q. That's fine. I'm here to learn. So I 25 take it that the workers work in shifts;</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. All right. 2 A. Because we found that it makes the 3 employees happier. 4 Q. Got it. 5 A. They decided that they like that 6 shift -- that style better, so we do whatever 7 makes the employee happy. 8 Q. Out of -- Are there some employees who 9 do not work this pattern of four, two, four, 10 two? 11 A. Yeah. Yeah. 12 Q. Okay. Who are those employees? 13 A. Those guys, they're -- they're mostly 14 day shift people -- 15 Q. Okay. 16 A. -- that don't have to work at night, so 17 they work six ten-hour days. 18 Q. Six ten-hour days and then one day off? 19 A. Yeah. 20 Q. Okay. Now I'm doing some math in my 21 head. And who are the day shift people? 22 A. There -- There will be a feeder -- 23 Q. Right. 24 A. -- there will be a -- there's a feeder, 25 there's a maintenance guy that takes care of</p>
<p style="text-align: right;">Page 87</p> <p>1 correct? 2 A. Yeah. 3 Q. Okay. How long is each shift? 4 A. Their shifts are -- we work -- 5 certain -- certain employees work four -- four 6 days on, two days off, four nights on. 60-hour 7 workweeks. 8 Q. Okay. Say that again. It was four 9 days, two -- four -- 10 A. Four days on -- 11 Q. Yep. 12 A. -- two days off, four nights on, two 13 days off. 14 It's a four and two schedule. 15 Q. Got it. Is that common in the dairy 16 industry? 17 A. Yes. 18 Q. All right. Okay. You said certain 19 employees work those shifts? 20 A. Yep. 21 Q. Okay. Not all employees work those 22 shifts? 23 A. The ones that have to work nights. 24 Q. Got it. There are some -- 25 A. We switch back and forth.</p>	<p style="text-align: right;">Page 89</p> <p>1 sand bedding, there's a calf guy, there's a cow 2 guy that takes care of cows, and then there's a 3 maternity person. 4 Q. Maternity person. Okay. Is there one 5 feeder on the farm at present? 6 A. Well, the guy that does sand bedding, 7 they usually relief the -- relieve the feeder. 8 Q. Okay. So you said there's a -- you 9 said there's a cow guy and a calf guy; right? 10 A. Yeah. 11 Q. Okay. 12 A. And they -- they cross over. They all 13 help each other. 14 Q. Fair enough. Is there one cow guy? 15 A. Well, there's more -- I mean, that's 16 basically his job, yes. 17 Q. Okay. And -- And I understand there's 18 some crossover and people help each other. 19 A. Yeah. 20 Q. But there's one guy who is the cow 21 guy and there's -- 22 A. Well, he wands -- wands animals, does 23 that stuff, does all the protocols, the 24 day-to-day protocols that are -- 25 Q. Okay.</p>

23 (Pages 86 - 89)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 24 of 105

App. 145

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 90</p> <p>1 A. -- need to be, vaccinations, things 2 like that. 3 Q. Got it. And one calf guy? 4 A. Yeah. Yep. 5 Q. And one maintenance person? 6 A. Well, there's -- they cross over; 7 right? 8 Q. Understood. I'm just trying to 9 ultimately figure out how many people are -- out 10 of the 14 employees that you are looking at at 11 any given time, how many are on the day shift 12 and how many are on the four, two, four, two 13 pattern. Can you give me the breakdown? 14 A. Yeah. 15 Q. Sure. 16 A. There's -- There's nine on the four and 17 two. 18 Q. Okay. Nine on the four and two. And 19 then the other five or so are the ones we just 20 talked about, maternity -- 21 A. Not the other five or so. It's five. 22 Q. Exactly five? 23 A. Yeah. 24 Q. They are -- 25 A. The ones that I told you.</p>	<p style="text-align: right;">Page 92</p> <p>1 week? 2 A. No. 3 Q. All -- Everybody -- 4 A. I mean, we have a high school kid right 5 now working. 6 Q. Okay. Got it. 7 A. Trying to teach -- teach the younger 8 generation, because nobody seems to know too 9 much about a farm these days. 10 Q. Got it. So the high school kid is not 11 working 60 hours a week then? 12 A. No. 13 Q. Okay. But everyone else other than the 14 high school kid -- 15 A. Yes. 16 Q. -- who is on these shifts is working 60 17 hours a week? 18 A. That's correct. 19 Q. Got it. Do different -- What's the 20 hourly rate that you pay the employees? 21 A. Anywhere from 15 on up. 22 Q. 15 on up. Is 15 sort of the 23 entry-level rate? 24 A. Yep. 25 Q. 15 an hour. And it's straight time;</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Right. And those exactly five other 2 people do not include you or Lori Nunes; right? 3 A. That's correct. 4 Q. Those are five people other than you 5 and Lori Nunes who are on the day shift; right? 6 A. Well, I'm always on call. 7 Q. Well, you're always on call. Other 8 than you and Lori Nunes, there are five people 9 who are on the day shift we just talked about? 10 A. That's correct. 11 Q. Gotcha. Okay. How do you track time 12 of employees? Do they've got to punch in and 13 punch out each day? 14 A. Yes. 15 Q. Okay. Is there like an electronic time 16 clock? 17 A. Yes. 18 Q. And therefore -- Okay. So the day 19 shift people are working 60-hour weeks. If 20 you're on a four, two -- 21 A. It's still 60 hours. 22 Q. It adds to 60 hours total? 23 A. Yeah. 24 Q. Okay. Are there anybody -- anybody at 25 the farm who's working less than 60 hours a</p>	<p style="text-align: right;">Page 93</p> <p>1 right? There's no overtime? 2 A. That's 60 hours. 3 Q. I know. But there's no overtime rate; 4 right? There's no -- They don't get paid 5 overtime after 40 in any given week; right? 6 A. I don't understand your question. 7 Q. Okay. Am I correct that everybody gets 8 paid \$15 an hour for 60 hours a week? Right? 9 A. Yeah. 10 Q. Okay. And you do not pay overtime if 11 people exceed 40 hours a week; right? 12 A. What does 40 have to do with anything? 13 Q. That may be my answer right there. A 14 lot of employers will pay people overtime when 15 they exceed 40, but not necessarily -- 16 A. You do realize we're ag; right? 17 Q. I understand you're ag. 18 A. And we're on 60-hour -- we're 60-hour 19 workweeks. 20 Q. I understand you are. And there's lots 21 of people on 60-hour workweeks, but other 22 industries pay overtime. I am just confirming 23 you don't pay overtime. That's it. 24 A. We're not required by law. 25 Q. I know. And you don't do it; right?</p>

24 (Pages 90 - 93)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 25 of 105

App. 146

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 94</p> <p>1 A. We're -- We're not required by law over 2 60. 3 Q. I know you're not required by law. 4 A. Okay. 5 Q. You're not required by law. 6 A. All right. 7 Q. And you don't do it. 8 A. I just want to make sure we understood, 9 because it sounded like you weren't 10 understanding. 11 Q. I understand. 12 A. You were asking -- You're crossing over 13 on industries. 14 Q. I understand that the ag industry has 15 various exemptions and labor laws and that 16 includes that they don't have to pay overtime. 17 I'm just confirming that you don't pay overtime. 18 Correct? 19 A. We -- We -- Generally not, because of 20 60-hour weeks. 21 Q. Okay. And you said it's \$15 an hour on 22 up. What's the high end that you pay employees? 23 A. They're getting 20-some dollars an 24 hour. 25 Q. So somewhere in the 20s?</p>	<p style="text-align: right;">Page 96</p> <p>1 making a record to sort of understand what's 2 going on and get it all down. 3 Let me start off by asking you 4 another such obvious question, but let's do it 5 anyway. Dairy work is not seasonal agricultural 6 labor; right? 7 A. Certain times of the year there's 8 seasonal stuff, yes. 9 Q. Oh, okay. What's the seasonal stuff 10 that comes up? 11 A. Harvest. 12 Q. What gets harvested in dairy? 13 A. Silage. 14 Q. Okay. 15 A. Silage, hay, things like that. On 16 other dairies there's pumping manure, all that 17 stuff. 18 Q. Manure happens year-round; right? 19 A. Yeah, but not hauling. 20 Q. Oh, gotcha. Gotcha. Okay. So -- 21 A. Not application. 22 Q. Got it. So when it comes to things 23 like silage, hay, stuff like that, that's 24 seasonal. You might have spot needs to increase 25 the labor at that -- Strike that. You might</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I don't -- I don't recall exactly. 2 Q. Okay. Okay. 3 MR. BISS: Nate, when you get to 4 a convenient stopping point, let's take a break. 5 THE WITNESS: Yeah. I need to 6 use the restroom. 7 MR. BOYER: Yeah. Actually, that 8 sounds -- we can do it now. 9 MR. BISS: Whenever you're ready. 10 MR. BOYER: No. I appreciate it. 11 But I think now is a fine enough time to stop. 12 We've been going for almost 80 or 90 minutes, so 13 let's break. 14 THE VIDEOGRAPHER: We are going 15 off the record. This is the end of Media Unit 16 Number 1. The time is 11:25. 17 (A recess was taken.) 18 THE VIDEOGRAPHER: We are back on 19 the record. This is the beginning of Media Unit 20 Number 2. The time is 11:41. 21 Q. So I think I've already asked a handful 22 of questions that no doubt strike you as 23 obvious. And I'm probably going to do a lot 24 more of that, both because, one, I'm here to 25 learn and, two, part of it is just sort of</p>	<p style="text-align: right;">Page 97</p> <p>1 need more employees at that point in time? 2 A. Help, yeah. More help. 3 Q. Gotcha. And same thing with hauling 4 manure? 5 A. Yeah. 6 Q. Okay. So some spikes over the year 7 where there might be an increase in labor? 8 A. Yeah. 9 Q. Gotcha. But -- But otherwise, tell me 10 if I'm wrong, you know, cows have got to be 11 milked year-round, multiple times throughout the 12 day every day; right? 13 A. That's correct. 14 Q. Okay. I also -- One thing I heard is 15 that cows -- and I genuinely just kind of want 16 to learn from you. Cows don't like a lot of new 17 people milking them at any given time. Like 18 they sort of -- like there's something to be 19 said for the relationship that can be developed 20 between the milkers and the cows. Is that 21 accurate, or am I just totally off base? 22 A. I don't know. 23 Q. It's just totally irrelevant to the 24 cows whether -- who is milking them so long as 25 they're hands?</p>

25 (Pages 94 - 97)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 26 of 105

App. 147

<p style="text-align: right;">Page 98</p> <p>1 A. What do you mean by "hands"?</p> <p>2 Q. Do -- My question is this. Do cows</p> <p>3 produce milk in any way that's better if you</p> <p>4 have a stable workforce as compared to a lot of</p> <p>5 new people coming in to milk the cows?</p> <p>6 A. I don't -- I don't know. I never read</p> <p>7 any studies or anything like that. I don't</p> <p>8 know.</p> <p>9 Q. Okay. Does -- Does NuStar like have a</p> <p>10 practice or preference for having the same</p> <p>11 people milk the cows over and over? Like is</p> <p>12 this something that NuStar is concerned about --</p> <p>13 A. No.</p> <p>14 Q. -- or is it just -- just whoever is</p> <p>15 there, milk them, and move -- go on?</p> <p>16 A. No. There's employees that's just --</p> <p>17 they're -- they're job specific.</p> <p>18 Q. Got it. Got it. Okay. I think I</p> <p>19 follow you at this point.</p> <p>20 A. Do you?</p> <p>21 Q. I don't know. We'll move on anyway.</p> <p>22 How does that sound?</p> <p>23 When new people -- When people</p> <p>24 start as new employees, is there a specific job</p> <p>25 that they have?</p>	<p style="text-align: right;">Page 100</p> <p>1 answer -- Well, let me -- let me just ask the</p> <p>2 question. Are most new employees starting off</p> <p>3 as milkers?</p> <p>4 A. Yes, because that's where you hit most</p> <p>5 of the turnover from. It's pretty repetitive.</p> <p>6 Q. Got it. Okay. We noticed a lot of</p> <p>7 turnover in the workforce, looking at the list</p> <p>8 of employees and the amount of time they've been</p> <p>9 there. There's been a lot of people that we saw</p> <p>10 on the list that were only there for literally a</p> <p>11 day, like there was a start date and an end</p> <p>12 date. Why is there so much turnover?</p> <p>13 A. Maybe it's not the job for them.</p> <p>14 Q. Okay. Anything else? Just people</p> <p>15 start and then they say, "I'm done"?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. They might -- You specifically</p> <p>18 recall a lot of people only working one day and</p> <p>19 then leaving?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you recall that ever</p> <p>22 happening?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. According to the records, we had</p> <p>25 something like 61 names of people that started</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Yes.</p> <p>2 Q. Okay. What's that?</p> <p>3 A. Well, whatever they were -- if they</p> <p>4 were maybe previously trained in another job,</p> <p>5 they could do that, if there's an opening, or --</p> <p>6 usually most of the turnover comes in the milk</p> <p>7 parlor itself.</p> <p>8 Q. Okay. Gotcha. Why is most of the</p> <p>9 turnover in the milk parlor?</p> <p>10 A. It's probably the most -- it's the</p> <p>11 hardest job there.</p> <p>12 Q. All right. And for the record, what is</p> <p>13 the milk parlor?</p> <p>14 A. It's where we harvest the milk.</p> <p>15 Q. Got it. I've heard terms such as</p> <p>16 "milkers," "pushers." What's -- What is a</p> <p>17 milker? Is that the person that actually does</p> <p>18 the milking in the milk parlor?</p> <p>19 A. Yep.</p> <p>20 Q. All right. I'm on to it. And a</p> <p>21 pusher, what's a pusher?</p> <p>22 A. They push cows.</p> <p>23 Q. All right.</p> <p>24 A. Clean stalls.</p> <p>25 Q. Got it. And if I take from your prior</p>	<p style="text-align: right;">Page 101</p> <p>1 one day and left.</p> <p>2 A. Okay.</p> <p>3 Q. Does that seem right to you?</p> <p>4 A. If you say so.</p> <p>5 Q. I mean, I'm just looking at the</p> <p>6 interrogatory responses.</p> <p>7 A. I don't know. I never counted them,</p> <p>8 no.</p> <p>9 Q. Okay. That's fine. And we saw a lot</p> <p>10 of other people that were employed for only a</p> <p>11 week or two or a month or something like that.</p> <p>12 Does that sound right to you as well?</p> <p>13 A. Yeah. It's possible, yeah.</p> <p>14 Q. Okay. When people leave, does NuStar</p> <p>15 ask them why they're leaving?</p> <p>16 A. I don't necessarily -- you know, you</p> <p>17 want to know, because you want to try to</p> <p>18 better -- you want to try to make a better work</p> <p>19 environment.</p> <p>20 Q. Right. Like an exit interview? Does</p> <p>21 NuStar do exit interviews?</p> <p>22 A. What's an exit interview?</p> <p>23 Q. It would be a meeting with the person</p> <p>24 who's leaving so that you can make a better work</p> <p>25 environment going forward.</p>

26 (Pages 98 - 101)

<p style="text-align: right;">Page 102</p> <p>1 A. Okay. Yeah.</p> <p>2 Q. Is that -- Is that more or less what</p> <p>3 you do sometimes?</p> <p>4 A. Well, you just want to know what</p> <p>5 they're -- why -- why they're leaving.</p> <p>6 Q. Okay. Got it. And what do they say?</p> <p>7 Well, I know it's a general question.</p> <p>8 A. A lot of times they just -- they just</p> <p>9 don't -- don't want to -- they don't like that</p> <p>10 job, they want to do a different job. Maybe</p> <p>11 they came from another trade, maybe they came</p> <p>12 from, you know, construction and it's in their</p> <p>13 off time. I don't know. It's a lot of things</p> <p>14 like that.</p> <p>15 Q. Got it. Any other reasons that people</p> <p>16 provide that you can think of?</p> <p>17 A. Not offhand.</p> <p>18 Q. All right. Is the hiring process</p> <p>19 different for people who only end up staying for</p> <p>20 short periods of time?</p> <p>21 A. No.</p> <p>22 Q. Same standard process we talked about</p> <p>23 earlier; right?</p> <p>24 A. Yep.</p> <p>25 Q. For everybody who comes in; right?</p>	<p style="text-align: right;">Page 104</p> <p>1 something like that. Yeah.</p> <p>2 Q. Got it. So sometimes you do bring</p> <p>3 people on board knowing that they'll only be</p> <p>4 working for a short period of time with you</p> <p>5 guys?</p> <p>6 A. Yeah. Yeah.</p> <p>7 Q. All right. Okay. We were talking</p> <p>8 earlier about the -- sort of the training period</p> <p>9 that you have of six months, right, at the</p> <p>10 beginning?</p> <p>11 A. Okay.</p> <p>12 Q. Right? Are the workers paid less</p> <p>13 during the training period?</p> <p>14 A. No. They're paid \$15 an hour.</p> <p>15 Q. 15?</p> <p>16 A. And after six months they get \$16 an</p> <p>17 hour.</p> <p>18 Q. Got it. Okay.</p> <p>19 A. And then after that they get a 25 cent</p> <p>20 pay raise every year after that.</p> <p>21 Q. And is that the way NuStar has always</p> <p>22 done it, the 25 cent pay raise year after year?</p> <p>23 A. No, not always. Generally we have to</p> <p>24 keep going up in price anyways. Labor keeps</p> <p>25 going up. I think -- I think we started -- I</p>
<p style="text-align: right;">Page 103</p> <p>1 A. There's a --</p> <p>2 Q. Do you expect --</p> <p>3 A. -- strict protocol we stay -- stick</p> <p>4 with.</p> <p>5 Q. Very well. Do you expect some people</p> <p>6 to only work for short periods of time?</p> <p>7 A. No. Never. Never.</p> <p>8 Q. You always -- You always hire people</p> <p>9 expecting them to be long-term employees?</p> <p>10 A. I would love for them to be long-term</p> <p>11 employees. Always.</p> <p>12 Q. Got it. Earlier we talked about how</p> <p>13 sometimes there's spikes in -- over the course</p> <p>14 of the year of additional --</p> <p>15 A. Okay.</p> <p>16 Q. -- labor needed.</p> <p>17 Do you hire people at that point</p> <p>18 in time, saying, "Hey, we're only going to need</p> <p>19 you for -- you know, to help with silage for a</p> <p>20 short period of time"?</p> <p>21 A. Yeah. They --</p> <p>22 Q. Okay.</p> <p>23 A. People that want to work extra, they</p> <p>24 have a job somewhere else and they want to work</p> <p>25 extra, or they're retired or they're farmers or</p>	<p style="text-align: right;">Page 105</p> <p>1 think we started at like 10 when we moved</p> <p>2 from -- when NuStar started.</p> <p>3 Q. Okay. So now -- it used to be \$10 when</p> <p>4 you started, now it's \$15 when you started?</p> <p>5 A. Yeah. That's entry level, so --</p> <p>6 Q. Gotcha. Entry level. And then it goes</p> <p>7 up to 16 once they're done with their training</p> <p>8 period?</p> <p>9 A. Six months, yeah.</p> <p>10 Q. After six months?</p> <p>11 A. Yeah.</p> <p>12 Q. Yep. And then after that it's a</p> <p>13 quarter raise every year thereafter? At least</p> <p>14 that's what NuStar is doing right now?</p> <p>15 A. 25 cents, yes.</p> <p>16 Q. Yes. Right. 25 cents. Right.</p> <p>17 A. But generally it goes up faster than</p> <p>18 that.</p> <p>19 Q. Is this -- Is this high level of</p> <p>20 turnover that we're talking about -- now, do you</p> <p>21 know, is that common in the dairy industry?</p> <p>22 A. You say it's a high -- a high -- You</p> <p>23 say it's high turnover. I don't know.</p> <p>24 Q. Okay.</p> <p>25 A. I've never seen a study done on how</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 much turnover one is supposed to have.</p> <p>2 Q. Gotcha. The amount of turnover that</p> <p>3 you have -- Forget my characterization of it as</p> <p>4 high. Okay? The amount of turnover you have, I</p> <p>5 take it you don't know one way or another</p> <p>6 whether that's typical in the dairy industry or</p> <p>7 not?</p> <p>8 A. I have no idea.</p> <p>9 Q. Okay. Let's talk about the different</p> <p>10 benefits that you provide to employees, "you"</p> <p>11 being NuStar here, as it has been.</p> <p>12 A. Okay.</p> <p>13 Q. Do employees get health insurance?</p> <p>14 A. No.</p> <p>15 Q. Okay. Do they get paid vacation and</p> <p>16 holidays?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. How much paid vacation time do</p> <p>19 they get?</p> <p>20 A. Generally it depends when they start.</p> <p>21 When they first start, it's about -- it's a</p> <p>22 week, and then after that it's two weeks.</p> <p>23 Q. Got it. And I'm going to -- well,</p> <p>24 look, I don't have that much experience with the</p> <p>25 dairy industry, but my dad was a retired</p>	<p style="text-align: right;">Page 108</p> <p>1 everybody can spend as much time with their</p> <p>2 family as possible. It's real critical to --</p> <p>3 to -- for people to be happy, employees to be</p> <p>4 happy, and so we try to accommodate as best as</p> <p>5 possible those situations.</p> <p>6 And sometimes they'll forgo and</p> <p>7 say, "Hey, I don't want -- I don't want off, you</p> <p>8 know. Give so-and-so off." We're a giant</p> <p>9 family there. Everybody tries to work together</p> <p>10 to make it all work.</p> <p>11 Q. Well, that's good. That's great. Do</p> <p>12 you offer paid family or -- paid family leave or</p> <p>13 paid sick leave?</p> <p>14 A. Generally if somebody is ill we -- we</p> <p>15 pay them.</p> <p>16 Q. Okay.</p> <p>17 A. You know, it's not -- no fault of</p> <p>18 theirs.</p> <p>19 Q. Right. Are there any sort of</p> <p>20 retirement plans that people participate in,</p> <p>21 like 401(k)s?</p> <p>22 A. No.</p> <p>23 Q. Or pensions or anything like that?</p> <p>24 A. No.</p> <p>25 Q. Free parking at the firm -- at the</p>
<p style="text-align: right;">Page 107</p> <p>1 firefighter -- is a retired firefighter, so I</p> <p>2 know that there are some jobs where holidays</p> <p>3 don't count and you've got to work anyway. I</p> <p>4 take it dairy industry people probably don't get</p> <p>5 holidays off, do they?</p> <p>6 A. No.</p> <p>7 Q. No.</p> <p>8 A. If you're -- yeah, you do if it's your</p> <p>9 day off.</p> <p>10 Q. If it's your day off, right, or you</p> <p>11 could take vacation?</p> <p>12 A. Well, no. Like this year -- this year</p> <p>13 my children -- my two older daughters and I,</p> <p>14 we -- we went on Christmas, because we have</p> <p>15 another one that -- it wasn't his day off, but</p> <p>16 we gave -- because he has small children at</p> <p>17 home, they're 4 or 5 years old, we gave him the</p> <p>18 day off and we went to work. We made sure</p> <p>19 that -- that he was taken care of so he could be</p> <p>20 with his family.</p> <p>21 Q. Awesome. Very good.</p> <p>22 A. So we make those -- we make -- we try</p> <p>23 to make it best as possible, because everybody</p> <p>24 has to work all the time, so you want to try to</p> <p>25 help out wherever we can to make sure that</p>	<p style="text-align: right;">Page 109</p> <p>1 farm; right? That's a joke.</p> <p>2 A. Right.</p> <p>3 Q. I'm just kidding. But in any event, I</p> <p>4 take it all of the employees drive to work;</p> <p>5 right?</p> <p>6 A. I -- I don't -- I don't know. Some --</p> <p>7 Some drive, some don't.</p> <p>8 Q. Some drive, some don't. Do they walk</p> <p>9 there?</p> <p>10 A. They just get rides.</p> <p>11 Q. What's that?</p> <p>12 A. They -- We're not that far from town,</p> <p>13 so some like to exercise, so they do it -- I</p> <p>14 don't know.</p> <p>15 Q. Oh, some -- some will ride bikes or</p> <p>16 something?</p> <p>17 A. Oh, yeah. Yeah. Yeah.</p> <p>18 Q. Okay. Great. We talked a little bit</p> <p>19 about housing earlier, right, and that you own a</p> <p>20 couple of other residential properties that a</p> <p>21 couple of your employees live in; right?</p> <p>22 A. NuStar Farms does -- only owns the 414.</p> <p>23 Q. Fine. That's fine. Anthony Nunes,</p> <p>24 III, who now happens to be a 5 percent owner of</p> <p>25 NuStar Farms, he owns two residential</p>

28 (Pages 106 - 109)

<p style="text-align: right;">Page 110</p> <p>1 properties?</p> <p>2 A. My wife and I do, yes.</p> <p>3 Q. Very good. The -- Why do you own those</p> <p>4 properties, Anthony Nunes, III?</p> <p>5 A. I -- I bought the houses to have extra</p> <p>6 income for -- for me personally.</p> <p>7 Q. Okay. Do you charge the people who</p> <p>8 live there rent?</p> <p>9 A. The people there rent?</p> <p>10 Q. Yes. Yes.</p> <p>11 A. No. No. The farm pays for that.</p> <p>12 Q. Okay. So --</p> <p>13 A. NuStar Farms is renting it from Lori</p> <p>14 and I.</p> <p>15 Q. I see. Got you. So just to break it</p> <p>16 down, make sure I got it, as we already talked</p> <p>17 about, you and Lori own those two houses; right?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. NuStar Farms pays rent to you</p> <p>20 and Lori for those houses; right?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. How much is the rent that they</p> <p>23 pay for each of them?</p> <p>24 A. I don't recall. It's like \$400 and</p> <p>25 \$500, something like that.</p>	<p style="text-align: right;">Page 112</p> <p>1 then rent them to -- Strike that.</p> <p>2 Was part of the reason that you</p> <p>3 purchased the houses so that you could then</p> <p>4 provide housing to a couple of your employees?</p> <p>5 A. Well, we got them because like -- [REDACTED]</p> <p>6 [REDACTED] he was living in Worthington.</p> <p>7 Q. Right.</p> <p>8 A. And so we wanted him to be closer to</p> <p>9 the farm, so we just did that. And I -- he had</p> <p>10 a house, and I don't know if his -- one of his</p> <p>11 daughters or something moved into that house.</p> <p>12 I'm not sure. I don't remember.</p> <p>13 Q. Got it. And what about the other house</p> <p>14 or the one [REDACTED] lives in?</p> <p>15 A. Yeah.</p> <p>16 Q. Was part of the reason you purchased</p> <p>17 the house and then rented it to NuStar to</p> <p>18 provide housing to [REDACTED]?</p> <p>19 A. Yeah, because they -- well, not -- not</p> <p>20 necessarily for him in general. It's just -- It</p> <p>21 was -- They were going to rent a house anyways.</p> <p>22 There was going to be a rental anyways, so might</p> <p>23 as well do it that way.</p> <p>24 Q. Got it. Does -- Now -- Now I guess you</p> <p>25 would wear your NuStar Farms hat in answering</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Gotcha. Okay.</p> <p>2 A. One house is a little bit bigger than</p> <p>3 the other, so something like that. I don't</p> <p>4 recall.</p> <p>5 Q. Okay. So --</p> <p>6 A. I don't -- I don't think the rent has</p> <p>7 changed since anybody has lived -- since they</p> <p>8 moved in. We haven't upped the rent.</p> <p>9 Q. It's \$500 for both houses combined?</p> <p>10 A. No. It's 400 for one, I think 500 for</p> <p>11 the other. Something like that.</p> <p>12 Q. Okay. So you're getting somewhere</p> <p>13 around \$900 a month --</p> <p>14 A. Yeah.</p> <p>15 Q. -- in rental income?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. Got it. And I take it do you</p> <p>18 and Lori kind of manage those properties? Like</p> <p>19 in other words, if there's problems with any --</p> <p>20 with the fixtures or anything like that, you</p> <p>21 guys work to fix them?</p> <p>22 A. Yeah, I guess so. Yeah.</p> <p>23 Q. Okay. Because you're -- Okay. Was</p> <p>24 part of the reason that you got the house --</p> <p>25 that you purchased the houses so that you could</p>	<p style="text-align: right;">Page 113</p> <p>1 this question.</p> <p>2 A. Okay.</p> <p>3 Q. Does [REDACTED] pay any rental -- pay rent</p> <p>4 to NuStar Farms?</p> <p>5 A. No.</p> <p>6 Q. So it's offered free of charge to him?</p> <p>7 A. Yes. It's part of his pay.</p> <p>8 Q. It's part of -- It's part of his</p> <p>9 compensation; right?</p> <p>10 A. Yeah.</p> <p>11 Q. And the same thing with [REDACTED]. It's</p> <p>12 part of his compensation?</p> <p>13 A. Yeah.</p> <p>14 Q. Right?</p> <p>15 A. Yeah.</p> <p>16 Q. So why these two specific employees?</p> <p>17 Why do they get this extra compensation?</p> <p>18 A. Because they've been there a long time.</p> <p>19 That's how originally we just -- that's how it</p> <p>20 was set up.</p> <p>21 Q. Got it. [REDACTED] has been there since, I</p> <p>22 think, 2008. Does that sound about right?</p> <p>23 A. I don't remember when he started.</p> <p>24 Q. Okay. But he's been there a long time?</p> <p>25 A. He's been here a long time.</p>

29 (Pages 110 - 113)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 114</p> <p>1 Q. And he's --</p> <p>2 A. I don't remember when he started, no.</p> <p>3 Q. And he's been putting in -- he's</p> <p>4 probably been putting in 60-hour weeks ever</p> <p>5 since he started; right?</p> <p>6 A. Well, yeah. He's employed, yeah.</p> <p>7 Q. He's a full-time employee; right?</p> <p>8 A. Yeah.</p> <p>9 Q. Exactly. Same thing with [REDACTED]</p> <p>10 right?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Do you -- Does NuStar treat this</p> <p>13 housing -- Actually, let me start -- let me do</p> <p>14 it this way.</p> <p>15 MR. BOYER: What are we up to?</p> <p>16 Mark this as number 12. Number 12.</p> <p>17 (Exhibit 12 was marked for</p> <p>18 identification by the reporter.)</p> <p>19 Q. So, Mr. Nunes, you've been handed a</p> <p>20 document that has been marked as Defendants'</p> <p>21 Exhibit 12.</p> <p>22 A. Okay.</p> <p>23 Q. First of all, take a look at the bottom</p> <p>24 of this first page. You'll see it has a Bates</p> <p>25 stamp that says "Genske_970"; right?</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Okay.</p> <p>2 Q. Is that -- Is this notation in the</p> <p>3 company's audited financial statements what you</p> <p>4 were just referring to, namely the lease</p> <p>5 payments that the company pays to you and Lori</p> <p>6 to lease the housing?</p> <p>7 A. I'm going to assume so, since there's</p> <p>8 no other one.</p> <p>9 Q. Right. Well, that's -- that's perhaps</p> <p>10 the question; right? Are you aware of NuStar</p> <p>11 renting or leasing any other property for</p> <p>12 housing for its employees?</p> <p>13 A. We generally not -- generally try not</p> <p>14 to do that unless somebody is really in a pinch,</p> <p>15 they have a problem, and they need a house.</p> <p>16 Right?</p> <p>17 Q. Gotcha.</p> <p>18 A. Like they're out of their house -- they</p> <p>19 got -- they need a house for some reason. We</p> <p>20 generally try not to be involved in housing.</p> <p>21 Q. Okay.</p> <p>22 A. It just -- It's -- There's no reason</p> <p>23 for a middle person in there. If they need a</p> <p>24 house, they rent their house, and just</p> <p>25 compensate them for -- just in pay. Just pay</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Okay.</p> <p>2 Q. Okay. Do you know what Genske refers</p> <p>3 to?</p> <p>4 A. No. I assume it's Genske, Mulder.</p> <p>5 Q. Yes. And those are your accountants;</p> <p>6 right?</p> <p>7 A. That's correct.</p> <p>8 Q. Gotcha. So we got these documents from</p> <p>9 your accountants. That's why it has these --</p> <p>10 this stamp Genske; right? We subpoenaed them</p> <p>11 for documents concerning the farm, the farm's</p> <p>12 operations; right? So why don't we take a look</p> <p>13 at -- I'm looking at 2015 now. Why don't we go</p> <p>14 to the page that says "Genske_982" at the</p> <p>15 bottom.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. So Genske_982, we're now looking</p> <p>18 at the notes to the financial statements. And</p> <p>19 I'll draw your attention to where it says "7.</p> <p>20 Lease." Do you see that toward the bottom of</p> <p>21 the page?</p> <p>22 A. Okay.</p> <p>23 Q. It says "The Company leases employee</p> <p>24 housing on a month-to-month basis for \$500 per</p> <p>25 month"; right?</p>	<p style="text-align: right;">Page 117</p> <p>1 them properly.</p> <p>2 Q. Got it. Do you pay more to compensate</p> <p>3 them if they have to rent elsewhere, or is it</p> <p>4 just -- or are you saying, you know, they get</p> <p>5 paid the same regardless?</p> <p>6 A. Well, I'm not following you.</p> <p>7 Q. Sure.</p> <p>8 A. I'm not tracking.</p> <p>9 Q. You were saying, if I understood you</p> <p>10 just a moment ago, that you try not to get</p> <p>11 involved in housing; right?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. Which means --</p> <p>14 A. Me meaning NuStar Farms; right?</p> <p>15 Q. NuStar Farms, LLC.</p> <p>16 A. Okay.</p> <p>17 Q. You, NuStar Farms, does not -- tries</p> <p>18 not to get involved in housing; right?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And therefore, the employees</p> <p>21 generally find their own housing; right?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay. Do you pay the employees</p> <p>24 additional amounts in order to cover their</p> <p>25 housing?</p>

30 (Pages 114 - 117)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 34 of 105

App. 152

<p style="text-align: right;">Page 118</p> <p>1 A. No. No. They just get their hourly 2 rate. 3 Q. Gotcha. They get their hourly rate. 4 Okay. Okay. And you -- if I understood you 5 earlier too, you said that there have been some 6 instances where you have provided housing? 7 A. Helped. Helped -- 8 Q. Helped? 9 A. -- get one, get it set up for them. 10 Short -- Short periods of time, 11 just to get -- just to get -- for whatever 12 reasons. I don't recall exactly. 13 Q. Okay. How do you help in those 14 settings? 15 A. Well, just because we know people that 16 own houses, so you go, okay, "Hey, do you have a 17 house for anything?" 18 They go "Yes." 19 "Okay. So-and-so needs a house." 20 "Okay." 21 Q. Got it. Okay. 22 A. We try not to do that, try not to rent 23 houses. We try not to mess with any housing 24 whatsoever. 25 Q. Okay. And why -- why do you try to not</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Really good people. 2 Q. Okay. There's no -- I know further 3 silly questions, but just to make sure the 4 record is clear, there's no like letters of 5 recommendations or credit checks or anything you 6 did for them; right? 7 A. No. 8 Q. Okay. 9 A. We're not -- We're not a big 10 corporation. We're a small family farm. We 11 don't -- We don't do that stuff. 12 Q. Understood. Do you know, do 13 employees -- will employees travel during their 14 vacation time each year? 15 A. I have no idea. 16 Q. No idea what they do on vacation time? 17 A. They're not at work. It's not up to -- 18 I don't -- 19 Q. Okay. Do you have an -- Do you have an 20 understanding that some of the employees live 21 pretty far away from their family members? 22 A. That's -- Yeah. 23 Q. I think -- All right. Okay. So how 24 did you ultimately determine that [REDACTED] 25 [REDACTED] would be allowed to live in the</p>
<p style="text-align: right;">Page 119</p> <p>1 mess with housing? 2 A. It's just -- You don't want to get 3 involved in between renters and rentees. You're 4 just a middle person, and it never works. 5 That's never a good spot to be in. 6 Q. Okay. 7 A. You know, because if the person is 8 dirty or the house is bad or whatever reason, 9 it's never good to be in the middle. 10 Q. Got it. So for the two houses that 11 Anthony Nunes, III, owns, I take it that there 12 was no like application process that either [REDACTED] 13 [REDACTED] went to -- went through in 14 order to apply for housing with you? 15 A. Vetting? 16 Q. There was no vetting? 17 A. No. 18 Q. No. 19 A. No. 20 Q. The vetting was implicit in them having 21 worked for you for so long; right? You trusted 22 them; right? 23 A. Yeah. They're good -- They're good 24 people. 25 Q. Good people?</p>	<p style="text-align: right;">Page 121</p> <p>1 houses that NuStar rents from Anthony Nunes, 2 III, and not other employees? 3 A. Just -- I don't know. Just -- They 4 must have -- at the time we got it, like I told 5 you before, we wanted [REDACTED] to move -- 6 Q. Right. 7 A. -- closer to -- to the dairy, the farm. 8 And then I don't recall why 9 [REDACTED] maybe just out of default. I don't 10 know. 11 Q. Okay. Well, I mean, was -- you don't 12 recall why [REDACTED] was allowed to live there 13 versus any of the other longtime employees? 14 A. Yeah, I don't -- I don't recall. 15 Q. Okay. 16 A. No. 17 Q. Okay. Do you know how long -- I can't 18 remember if I asked this before. 19 A. He probably was maybe renting from 20 somebody else and he needed something. I 21 don't -- I don't remember. 22 Q. Got it. Okay. I take it you don't 23 post any -- Now I want to hop back over to sort 24 of the onboarding and the job application 25 process. We already talked about you don't do</p>

31 (Pages 118 - 121)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 122</p> <p>1 advertisements. You don't -- Do you post 2 anything with the Iowa Employment Service when 3 you have job openings? 4 A. I don't know what that is. 5 Q. So that's a no then; right? 6 A. I would have to say so. 7 Q. Okay. So do you know how many 8 currently pending applications you have? 9 A. I have no idea. 10 Q. No idea? We'll take a look -- We'll 11 probably -- I'll take a look during the break at 12 the one that you guys just provided me. And I 13 might have some questions about that, but we'll 14 table that for a moment. 15 Do you have -- Do you interview 16 candidates for jobs when they -- when they come 17 looking for a job? 18 A. Yeah. I mean, you talk to them, yeah. 19 Q. Do you have a typical script you 20 follow, or just sort of casual conversation 21 or -- 22 A. No, no script. No. We don't have no 23 HR department. 24 Q. I understand. Do you typically just do 25 one interview with the employees?</p>	<p style="text-align: right;">Page 124</p> <p>1 it? 2 A. It's the law. 3 Q. Okay. Well, how did you learn about 4 the legal requirements? Did you attend, for 5 example, an industry seminar on how to do it? 6 A. No. 7 Q. Okay. Did you -- Did you just -- Did 8 you have conversations with lawyers or something 9 like that? 10 A. No. 11 Q. Okay. How did NuStar learn the process 12 by which it needs to complete I-9 forms? 13 A. I guess it was passed down by my 14 family. 15 Q. Okay. 16 A. I mean, you always have to do that 17 stuff. It's all legal obligations. No 18 different than a W -- W-4 and all that stuff. 19 Q. Got it. And family members -- Nunes 20 family members have been employing people in the 21 dairy industry for a while; right? 22 A. I'm fourth generation. 23 Q. Fourth generation. 24 A. It's not -- 25 Q. So there's lots of institutional</p>
<p style="text-align: right;">Page 123</p> <p>1 A. I would say yes. 2 Q. Okay. And would you typically offer a 3 job on the spot if they check out and you like 4 them? 5 A. If they're looking for a job and if we 6 need somebody, yeah, I guess so. 7 Q. Okay. Have you, that is NuStar -- And 8 all these questions will be NuStar questions. 9 Okay? 10 A. Okay. 11 Q. Have you ever filed petitions or 12 applications or sponsored an employee for 13 immigration benefits in the U.S.? 14 A. No. 15 Q. Okay. So let's talk about I-9 forms. 16 When did you first become aware of your legal 17 obligation as an employer to verify employees' 18 eligibility to work in the U.S.? 19 A. Oh, it's been a long -- since the -- 20 since NuStar Farms started. 21 Q. You've known about your -- these 22 obligations at least as long as NuStar Farms 23 started; right? 24 A. Yeah. 25 Q. Fair enough. How did you learn about</p>	<p style="text-align: right;">Page 125</p> <p>1 knowledge about hiring people? 2 A. I don't know about institutional 3 knowledge about hiring people, but I've been in 4 the dairy -- I'm the fourth generation dairy 5 person. 6 Q. Understood. It's passed down from 7 family members, as you said; right? 8 A. I -- It's a legal obligation. You have 9 to do it. 10 Q. Got it. So what is NuStar's process 11 for verifying employee eligibility to work in 12 the United States? 13 A. We -- You have to have two forms of ID. 14 Q. Okay. Go on. 15 A. You have to have a Social Security card 16 and -- and another photo ID, just like the form 17 says. 18 Q. Okay. And then what? 19 A. That's it. 20 Q. People present NuStar a Social Security 21 card and one or two photo IDs? 22 A. One -- Just a photo ID. That's all 23 that's required. 24 Q. Okay. So they present that to NuStar, 25 and that's it? Nothing else needs to be done?</p>

32 (Pages 122 - 125)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 126</p> <p>1 A. Nothing else needs to be done.</p> <p>2 Q. Okay. What --</p> <p>3 A. I guess. I don't -- I guess I don't</p> <p>4 recall. What do you -- What do you mean? I</p> <p>5 don't know what you mean, I guess is what I</p> <p>6 mean.</p> <p>7 Q. Well, I mean, so they -- why don't we</p> <p>8 talk about these cards. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. So an employee will present to you a</p> <p>11 Social Security card and a photo ID; right?</p> <p>12 A. Yeah. With their I-9.</p> <p>13 Q. Okay. And that will be -- that will</p> <p>14 accompany their I-9 form that they've completed</p> <p>15 their portion; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Gotcha. Okay. What does NuStar do</p> <p>18 with those cards?</p> <p>19 A. Photocopies.</p> <p>20 Q. Makes photocopies and sticks them in a</p> <p>21 file; right?</p> <p>22 A. That's correct.</p> <p>23 Q. Does it review the cards?</p> <p>24 A. Yes.</p> <p>25 Q. What does it review them for?</p>	<p style="text-align: right;">Page 128</p> <p>1 NuStar looking for?</p> <p>2 A. Just make sure they have their cards.</p> <p>3 They have a Social Security card, they have a</p> <p>4 photo ID.</p> <p>5 Q. Just make sure they exist, basically?</p> <p>6 A. That's what we are supposed to do.</p> <p>7 That's what we're required to do.</p> <p>8 Q. Anything else NuStar needs -- does when</p> <p>9 it looks at the cards? Does it scrutinize them</p> <p>10 in any way?</p> <p>11 A. I look at them, yeah.</p> <p>12 Q. I know, but like do you review them,</p> <p>13 for example, for like expiration dates? Like</p> <p>14 would you accept an expired card?</p> <p>15 A. On -- On what? A Social Security card?</p> <p>16 Q. No. Social Security cards don't have</p> <p>17 expiration dates, but would you accept an</p> <p>18 expired ID?</p> <p>19 A. No.</p> <p>20 Q. Because that wouldn't be a valid work</p> <p>21 authorization; right?</p> <p>22 A. That's correct.</p> <p>23 Q. And therefore, if somebody presented</p> <p>24 you with an expired ID, you would look for that</p> <p>25 and wouldn't accept it; right?</p>
<p style="text-align: right;">Page 127</p> <p>1 A. We review for -- to make sure that</p> <p>2 they're -- they're authentic.</p> <p>3 Q. Okay. And how does it do that?</p> <p>4 A. Just looking at it.</p> <p>5 Q. Just looking at it? Okay. Why does --</p> <p>6 Why does NuStar do this?</p> <p>7 A. It's a legal requirement.</p> <p>8 Q. Is NuStar trying to verify the legal</p> <p>9 status of its employees or just doing paperwork?</p> <p>10 A. It's the paperwork that has to be done.</p> <p>11 We have to look at it. It says right on the I-9</p> <p>12 that you have to make sure that it's -- it looks</p> <p>13 authentic. I do believe -- What does it say on</p> <p>14 a -- Do you have an I-9 form?</p> <p>15 Q. Oh, we'll -- I promise you, we'll look</p> <p>16 at a couple today.</p> <p>17 A. Okay. Super.</p> <p>18 Q. Yes.</p> <p>19 A. Then that will answer your question.</p> <p>20 Q. All right. What sort of -- When NuStar</p> <p>21 is reviewing it to -- reviewing the documents as</p> <p>22 to what they're -- whether or not they're --</p> <p>23 Strike that.</p> <p>24 When NuStar is reviewing the</p> <p>25 documents to see if they are authentic, what is</p>	<p style="text-align: right;">Page 129</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. And then what about indicia of</p> <p>3 forgery, things like mismatched fonts on a</p> <p>4 Social Security card? Do you focus on that</p> <p>5 stuff?</p> <p>6 A. Mismatched fonts?</p> <p>7 Q. Fonts, correct.</p> <p>8 A. On a -- they all look the same.</p> <p>9 Q. All the fonts on all Social Security</p> <p>10 cards?</p> <p>11 A. I've never seen any that looked</p> <p>12 different.</p> <p>13 Q. Okay. Very well. All Social Security</p> <p>14 cards have the same font on them?</p> <p>15 A. I have no idea.</p> <p>16 Q. No idea? You're not focusing on that?</p> <p>17 A. That's -- All of them? I don't know</p> <p>18 how they were when they first were -- come out</p> <p>19 to now. I don't know if they changed -- if the</p> <p>20 government has changed it or not. I don't --</p> <p>21 I've never known that.</p> <p>22 Q. Gotcha. What about do you -- do you at</p> <p>23 least confirm whether or not the name on the I-9</p> <p>24 matches the names on the cards? Do you look for</p> <p>25 that?</p>

33 (Pages 126 - 129)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And if there's some -- And if</p> <p>3 there's an inconsistency, if they don't match,</p> <p>4 then you wouldn't hire the person?</p> <p>5 A. Yeah. Because they fill out their --</p> <p>6 their part, and then we have to make sure</p> <p>7 everything matches up, which you've got to</p> <p>8 make -- I mean, they can't just have, you</p> <p>9 know -- they can't have John Smith and have --</p> <p>10 have Frank Smith's IDs. That doesn't work.</p> <p>11 Q. Sure. Has anybody ever presented cards</p> <p>12 to you like that which didn't match?</p> <p>13 A. No.</p> <p>14 Q. No?</p> <p>15 A. No. I never seen that before.</p> <p>16 Q. Have you ever been presented with cards</p> <p>17 that you looked at and you said, "Those are</p> <p>18 fraudulent. I'm not going to accept them"?</p> <p>19 A. I've never -- I -- No.</p> <p>20 Q. No?</p> <p>21 A. I've never seen any, no.</p> <p>22 Q. 100 percent of the cards that people</p> <p>23 have presented to you for --</p> <p>24 A. All the employees that we have --</p> <p>25 Q. Of the employees --</p>	<p style="text-align: right;">Page 132</p> <p>1 they're proper, the proper documentation with</p> <p>2 the proper -- with numbers, and that's all I can</p> <p>3 do.</p> <p>4 Q. Got it.</p> <p>5 A. It says right on the I-9 form what I</p> <p>6 can and cannot do.</p> <p>7 Q. Okay. So my understanding is that a</p> <p>8 lot of the employees on the farm are native</p> <p>9 Spanish speakers; is that correct?</p> <p>10 A. Native Spanish speakers? I don't --</p> <p>11 Q. Yes. They speak Spanish; is that</p> <p>12 correct?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Do a lot of them not speak</p> <p>15 English?</p> <p>16 A. I don't know.</p> <p>17 Q. Okay. Do you talk to these employees,</p> <p>18 all of whom apparently report to you directly?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. And how do you speak with them,</p> <p>21 in English or in Spanish?</p> <p>22 A. Both.</p> <p>23 Q. Okay. Oh, you speak Spanish?</p> <p>24 A. Yes.</p> <p>25 Q. Excellent. Good. Is that something</p>
<p style="text-align: right;">Page 131</p> <p>1 A. -- that we've had or had had the</p> <p>2 correct -- the strict protocol information on</p> <p>3 it, it had the Social Security and their cards.</p> <p>4 Q. Got it.</p> <p>5 A. The photo ID.</p> <p>6 Q. Have you rejected anybody who wanted to</p> <p>7 be an employee?</p> <p>8 A. No. I've never seen -- I never seen</p> <p>9 that.</p> <p>10 Q. So -- So 100 percent of the applicants</p> <p>11 who have presented documents to you showed you</p> <p>12 cards that were, as far as you could tell,</p> <p>13 authentic?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. What about mismatched</p> <p>16 signatures? Would that be a flag for you, if</p> <p>17 the signature on the I-9 wasn't the same on the</p> <p>18 cards?</p> <p>19 A. Yeah, I -- is there -- I don't know. I</p> <p>20 guess as long as the names match up, I don't</p> <p>21 know how they sign their information. I don't</p> <p>22 know.</p> <p>23 Q. Are you focusing on that at all?</p> <p>24 A. I mean, I just look at the card to make</p> <p>25 sure that they look legit, that they're --</p>	<p style="text-align: right;">Page 133</p> <p>1 you've kind of learned working on the dairy</p> <p>2 farms, or is it something you've learned</p> <p>3 elsewhere?</p> <p>4 A. No. I'm self-taught.</p> <p>5 Q. All right. Great. Bueno.</p> <p>6 A. Yeah.</p> <p>7 Q. That's all I know. That's the extent</p> <p>8 my knowledge.</p> <p>9 A. Very, very fluent.</p> <p>10 Q. Okay. So my -- is it correct that a</p> <p>11 lot of the workers don't read English?</p> <p>12 A. That I don't know.</p> <p>13 Q. Okay. Do you present the I-9 forms to</p> <p>14 the employees in the English version of the form</p> <p>15 or the Spanish version of the form?</p> <p>16 A. They used to have a Spanish version.</p> <p>17 At one time they did. I think they did have a</p> <p>18 Spanish version, but I don't know if they have</p> <p>19 it or not. It's -- It's all in -- I know it's</p> <p>20 in English now. I know there was a period of</p> <p>21 time where they did have some. The government</p> <p>22 changes those forms constantly, so it's</p> <p>23 really -- I don't remember.</p> <p>24 Q. Got it. Who -- Who at the farm</p> <p>25 presents the I-9 forms to the employees?</p>

34 (Pages 130 - 133)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 35 of 105

App. 156

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 134</p> <p>1 A. It's in a packet. We have a packet 2 with their information that they keep with the 3 form that they have to turn in. 4 Q. Their information they keep, what's 5 that that you're referring to? 6 A. It's just the government printed -- 7 it's stuff that goes with the -- the packet. 8 When you get the I-9s, it prints off. I'm not 9 really sure what it is. You'd have to ask Lori 10 on that. 11 Q. Gotcha. 12 A. I don't -- I don't really read that. 13 It's just a packet that they need to fill out, 14 and that's what I hand off. 15 Q. When -- When you hand it to them, the 16 I-9 itself is blank; is that correct? 17 A. That's correct. 18 Q. All right. And we'll take a look at a 19 lot of these. A lot of these forms are in 20 English. Okay? 21 A. Okay. 22 Q. Is there somebody who is assisting them 23 with the translation of the forms? 24 A. On some of them it has that. It has 25 that right on there, if you helped them.</p>	<p style="text-align: right;">Page 136</p> <p>1 A. No. 2 Q. All right. 3 A. We can't. We can't. 4 Q. You can't? 5 A. We can't assist them. 6 Q. You can't assist them in completing it? 7 A. No. 8 Q. Okay. Got it. So let me be clear when 9 I say "someone at NuStar." I don't mean just 10 you, Anthony Nunes. I mean, obviously, the 11 employees as well. Do some of the other 12 employees sometimes assist these people? 13 A. I don't -- I don't think so, no, unless 14 they're friends and they -- they marked the 15 paper or something. I don't -- I don't recall. 16 Q. And if I recall, Lori is typically the 17 one who will give them the packet of documents; 18 right? 19 A. No, that's not what I said. 20 Q. Okay. See, that's why we double-check. 21 Are you the one that typically gives them the 22 packet? 23 A. I give them the packet. 24 Q. Gotcha. And do they tend to fill out 25 the I-9 forms on the spot?</p>
<p style="text-align: right;">Page 135</p> <p>1 Q. Right. 2 A. If there was a translator or somebody 3 to help them, they have to mark that box there. 4 Q. Got it. Okay. 5 A. Once again, if you had the I-9 form, I 6 could look at it and show you where it's at, 7 but -- 8 Q. I promise you, we will look at some 9 very shortly. 10 A. Okay. 11 Q. Have you ever read the -- Let me take 12 it this way. I take it from your answers that 13 you have not read a document that's called the 14 Handbook for Employers by -- that's issued by 15 the USCIS and its predecessor the INS for 16 completing I-9 forms and employment eligibility 17 verifications? Have you read that handbook? 18 A. No. 19 Q. Okay. I take it, as far as you know, 20 you probably don't have a copy of that handbook; 21 right? 22 A. I don't. I don't know what that is. 23 Q. Okay. Does somebody at NuStar ever 24 serve as the translator for completing 25 documents?</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Generally not, no. 2 Q. Okay. 3 A. Usually they're -- they just want to -- 4 they always -- I say, "Do you want to fill it 5 out now, or would you like to take it home?" I 6 think they feel more comfortable doing it at 7 home, make sure they go through it correctly. 8 It's very important that they 9 understand what they're -- they're doing on the 10 I-9s and the W-4s and all that. We need to make 11 sure that they understand it fully. Sometimes, 12 you know, they feel more comfortable doing it at 13 home when they have their time. That's fine. 14 Q. Got it. Okay. Does -- By when does 15 NuStar require the employees to complete and 16 return the I-9 form? 17 A. The I-9 form is generally -- we want it 18 right away, but we will not issue checks unless 19 it's -- they have all the proper documentation. 20 They will not allow us to send a check out 21 without the proper documentation. 22 Q. Got it. 23 A. But we do require on the first day of 24 work that they have their -- their Social 25 Security card and their photo ID.</p>

35 (Pages 134 - 137)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 36 of 105

App. 157

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 138</p> <p>1 Q. Got it.</p> <p>2 A. The paperwork they could do on their</p> <p>3 time so they understand it fully and do that,</p> <p>4 but we do take the -- the Social Security card</p> <p>5 and the photo ID right away --</p> <p>6 Q. Got it. So --</p> <p>7 A. -- and make copies of that, because we</p> <p>8 don't -- we can't -- you can't hire illegal</p> <p>9 people.</p> <p>10 Q. Right. So -- So this is helpful to</p> <p>11 kind of set the scene. Somebody shows up at the</p> <p>12 farm looking for a job. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. And then they -- you may hire them on</p> <p>15 the spot if you have a need and it works out?</p> <p>16 A. Very rarely.</p> <p>17 Q. Oh, very rarely? Okay.</p> <p>18 A. Very rarely does somebody get hired on</p> <p>19 the spot.</p> <p>20 Q. Okay. So --</p> <p>21 A. We don't do fly-by-night stuff. That</p> <p>22 doesn't work.</p> <p>23 Q. Okay. So you have -- you might talk to</p> <p>24 them on the spot and have sort of an interview</p> <p>25 there?</p>	<p style="text-align: right;">Page 140</p> <p>1 the first day with their Social Security card</p> <p>2 and ID?</p> <p>3 A. Yes.</p> <p>4 Q. Got it. They say, "Here it is," you</p> <p>5 make a scan; right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And then on that first day you</p> <p>8 give them the packet we were just talking about?</p> <p>9 A. That's correct. They get the packet,</p> <p>10 they give me the cards, we verify that it</p> <p>11 looks -- you know, that it's correct, make</p> <p>12 photocopies front and back. And very rarely do</p> <p>13 they ever -- does anybody ever fill out the</p> <p>14 paperwork right then. They usually go, "Oh, I</p> <p>15 just want to take it home." Fair enough.</p> <p>16 Q. Fine. Okay. And -- But then as I</p> <p>17 understand it, you will not issue them paychecks</p> <p>18 until they return the completed I-9 forms?</p> <p>19 A. Yeah. We have to. We have to.</p> <p>20 Because they have the tax forms and everything.</p> <p>21 I can't write a check without taxes and</p> <p>22 everything on it.</p> <p>23 Q. I see. Because the packet is not just</p> <p>24 the I-9. It has like the tax forms and stuff</p> <p>25 like that too?</p>
<p style="text-align: right;">Page 139</p> <p>1 A. You can talk to them, yeah. Yeah.</p> <p>2 Q. Gotcha.</p> <p>3 A. They come in looking for a job, you</p> <p>4 want to do a job interview, you know, say, "Hey,</p> <p>5 where are you working? Where are you at right</p> <p>6 now? What are you doing? Why are you looking</p> <p>7 for a job?"</p> <p>8 Q. Right.</p> <p>9 A. Because you don't want somebody that's</p> <p>10 bouncing around all over, you know.</p> <p>11 Q. Sure. Okay. But then you'll take some</p> <p>12 time to think about whether to hire them and get</p> <p>13 back to them if you want them?</p> <p>14 A. Yeah. You just don't want to hire just</p> <p>15 some random people. That doesn't -- That</p> <p>16 doesn't do us any good.</p> <p>17 Q. Sure.</p> <p>18 A. They're skilled -- All those people --</p> <p>19 Everybody that -- All of our employees are very</p> <p>20 skilled laborers.</p> <p>21 Q. Okay.</p> <p>22 A. They're all very skilled.</p> <p>23 Q. Very good. Excellent. So then they</p> <p>24 will come -- So then if you do offer them a job</p> <p>25 and they want to work, I take it they come in</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes. Yeah.</p> <p>2 Q. They've got to give you all the</p> <p>3 paperwork back?</p> <p>4 A. It's all the -- It's all the starting</p> <p>5 stuff.</p> <p>6 Q. Gotcha. All the typical onboarding</p> <p>7 things?</p> <p>8 A. You can't just write a check for</p> <p>9 nothing. I have to have taxes taken out.</p> <p>10 Q. Yeah, indeed. Indeed. So has -- has</p> <p>11 the farm's obligations as to what it needs to do</p> <p>12 with regard to I-9 verifications changed over</p> <p>13 time at all?</p> <p>14 A. No.</p> <p>15 Q. Okay. So --</p> <p>16 A. No. We've been pretty strict on that</p> <p>17 the whole time. As you can see, you have 14</p> <p>18 years' worth of records, which we're not</p> <p>19 required to have that at all, but we kept them.</p> <p>20 Q. Okay. Yeah. Got it. So -- So the</p> <p>21 understanding --</p> <p>22 A. I mean, that's pretty impressive to</p> <p>23 have that much paperwork all together.</p> <p>24 Q. Okay. So NuStar understood its</p> <p>25 obligations in 2007 when it started; right?</p>

36 (Pages 138 - 141)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 37 of 105

App. 158

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 142</p> <p>1 A. Yeah.</p> <p>2 Q. And understood it in 2010; right?</p> <p>3 A. That's correct.</p> <p>4 Q. 2014?</p> <p>5 A. That's correct.</p> <p>6 Q. 2018? Yes?</p> <p>7 A. Yes.</p> <p>8 Q. And all the way through to today in</p> <p>9 2021; right?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. So then after the employee</p> <p>12 returns the completed I-9 form, NuStar needs to</p> <p>13 complete its portion; right?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. And how long does NuStar have to</p> <p>16 do that? How long? Like by when does NuStar</p> <p>17 need to complete --</p> <p>18 A. You have to do it then.</p> <p>19 Q. You've got to do it right at that</p> <p>20 moment in time?</p> <p>21 A. Yeah. You've got to -- You've got to</p> <p>22 get it done, because you can't -- you can't just</p> <p>23 randomly do it whenever you want.</p> <p>24 Q. Right. Got it.</p> <p>25 A. If you ever get audited, you can't --</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. All right. Why did you do a personal</p> <p>2 audit in 2018?</p> <p>3 A. Because after the political hit piece</p> <p>4 that was done on my brother and my farm, we</p> <p>5 decided that, well, you know what? We'd better</p> <p>6 make sure that all of our stuff is together,</p> <p>7 because you send out your minions, and all of a</p> <p>8 sudden there's some -- some political operative</p> <p>9 inside the government that goes, "Hey, we'd</p> <p>10 better go check these guys" all the sudden. So</p> <p>11 we wanted to make sure that we were fully and</p> <p>12 100 percent covered, that all the paperwork was</p> <p>13 right.</p> <p>14 Q. Got it. Okay. And so then you -- this</p> <p>15 is the audit -- and we'll come back to this in a</p> <p>16 little bit, but I just -- to kind of get my</p> <p>17 bearings, this is the audit in which you worked</p> <p>18 with Woods Fuller?</p> <p>19 A. That's correct.</p> <p>20 Q. And Amanda Bahena; right?</p> <p>21 A. Yeah. Yes.</p> <p>22 Q. Got it. Okay. And as a result -- it</p> <p>23 was after the audit that you filed this lawsuit;</p> <p>24 right?</p> <p>25 A. I don't remember the dates exactly.</p>
<p style="text-align: right;">Page 143</p> <p>1 you can't -- I mean, you never know when you're</p> <p>2 going to get audited. So if they come in</p> <p>3 and -- and something is not filled out properly,</p> <p>4 then we could get fined.</p> <p>5 Q. Right.</p> <p>6 A. So you have to do -- I mean, this is</p> <p>7 not no fly-by-night stuff, man. We're --</p> <p>8 Q. And NuStar -- Same idea. NuStar has</p> <p>9 known ever since 2007 that it needs to complete</p> <p>10 its portion immediately; right?</p> <p>11 A. There was some spots that we weren't</p> <p>12 fully aware of what we had to do until we did a</p> <p>13 personal audit.</p> <p>14 Q. Okay.</p> <p>15 A. We did a self-audit. And that's when</p> <p>16 we realized that we were miss -- we missed some</p> <p>17 spots that were very important to fill out,</p> <p>18 which it was just clerical, so we would have got</p> <p>19 told "If you didn't sign here, you would have</p> <p>20 got fined for that."</p> <p>21 Q. Gotcha. Okay.</p> <p>22 A. It would have been the fines.</p> <p>23 Q. What was this personal audit you were</p> <p>24 talking about? When was it?</p> <p>25 A. 2018, I do believe.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Okay.</p> <p>2 A. It would have had to have been, yeah.</p> <p>3 Q. Yeah. It was -- It was as a result of</p> <p>4 the audit that you felt your files were in order</p> <p>5 and you were comfortable filing the lawsuit?</p> <p>6 A. No.</p> <p>7 Q. No?</p> <p>8 A. I was comfortable with our files</p> <p>9 before.</p> <p>10 Q. Got it. Okay. But did your practices</p> <p>11 change as a result of the audit?</p> <p>12 A. Nope. No.</p> <p>13 Q. So you do everything the same as you</p> <p>14 did before; is that correct?</p> <p>15 A. Yeah. It was just some clerical --</p> <p>16 maybe some -- some stuff was signed, some stuff</p> <p>17 wasn't. It just was inconsistent, maybe. But</p> <p>18 now we're just more -- more consistent and make</p> <p>19 sure the clerical part is more correct.</p> <p>20 And I'll refer you to Lori on</p> <p>21 that, because she wants to double-check and make</p> <p>22 sure everything is proper and correct.</p> <p>23 Q. Okay.</p> <p>24 A. I mean, you have all the records for 14</p> <p>25 years. You should -- It's all there.</p>

37 (Pages 142 - 145)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 38 of 105

App. 159

<p style="text-align: right;">Page 146</p> <p>1 Q. With the cards that come in, the Social</p> <p>2 Security -- Strike that.</p> <p>3 Remind me, did you say that you</p> <p>4 typically make a copy of the Social Security</p> <p>5 card and the ID?</p> <p>6 A. Front and back.</p> <p>7 Q. Front and back. Copy front and back?</p> <p>8 A. Yes.</p> <p>9 Q. Gotcha. Do you make a scan, like a</p> <p>10 digital scan as well, or just --</p> <p>11 A. No. No.</p> <p>12 Q. Okay. Gotcha. Where do you store the</p> <p>13 I-9 files with the supporting documents?</p> <p>14 A. They're generally on the farm, unless</p> <p>15 they're old ones and they get removed.</p> <p>16 Q. Okay.</p> <p>17 A. Because they just go into storage.</p> <p>18 Q. Got it. Okay. And where is the</p> <p>19 storage on the farm?</p> <p>20 A. There is no storage. We don't have --</p> <p>21 They're not on the farm.</p> <p>22 Q. Got it. Which ones do you keep on the</p> <p>23 farm?</p> <p>24 A. The ones of current employees, the ones</p> <p>25 that we have -- that we're required by law to</p>	<p style="text-align: right;">Page 148</p> <p>1 Lizza saying all this random stuff. So we make</p> <p>2 sure we keep all of our records just knowing</p> <p>3 that political hit pieces may come out and just</p> <p>4 try to destroy me personally.</p> <p>5 Q. And back to the audit again, you -- if</p> <p>6 I understood you correctly, you said you were</p> <p>7 concerned about -- you conducted the personal</p> <p>8 audit because you were concerned about an ICE</p> <p>9 audit; is that right?</p> <p>10 A. Well, we just wanted to make sure all</p> <p>11 of our ducks were in a row, yeah.</p> <p>12 Q. Yeah.</p> <p>13 A. Because it's a political hit piece, so</p> <p>14 you never know who is going to come out of the</p> <p>15 woodwork and all of a sudden go, "Oh, we're</p> <p>16 going to come out, and we're going to</p> <p>17 investigate these people."</p> <p>18 Q. Got it. Was NuStar afraid of an ICE</p> <p>19 raid at that time?</p> <p>20 A. Oh, they -- I'm never afraid of one.</p> <p>21 They can come right now. I'm good.</p> <p>22 Q. Okay.</p> <p>23 A. I'm not worried about that.</p> <p>24 Q. All right. You've never had --</p> <p>25 A. I just want to make sure that all of</p>
<p style="text-align: right;">Page 147</p> <p>1 keep.</p> <p>2 Q. Okay. And what is your understanding</p> <p>3 of the ones you are required by law to keep on</p> <p>4 the farm?</p> <p>5 A. Three years or one year -- or one year</p> <p>6 after termination, I do believe is what it is</p> <p>7 after the three years. Minimum of three, and</p> <p>8 then after it's three I think it's like one</p> <p>9 year.</p> <p>10 Q. Yeah, I think that's right.</p> <p>11 A. I'm pretty sure that's what it is. I'd</p> <p>12 have to refer to Lori on that one. She would</p> <p>13 know better.</p> <p>14 Q. Got it. No. I think you -- I think</p> <p>15 you hit the nail on the head. It's the later of</p> <p>16 three years after the start of employment or one</p> <p>17 year after the termination of employment.</p> <p>18 A. Yeah.</p> <p>19 Q. Whichever one is later.</p> <p>20 A. Yeah. But we kept all -- all the</p> <p>21 years.</p> <p>22 Q. Right.</p> <p>23 A. We had them -- for one is we didn't --</p> <p>24 we just keep all the information just in case of</p> <p>25 things like this popping up with -- with Ryan</p>	<p style="text-align: right;">Page 149</p> <p>1 our paperwork was in order, because you can get</p> <p>2 really big fines if you don't have that right.</p> <p>3 Q. Okay.</p> <p>4 A. You could send them out right now if</p> <p>5 you want.</p> <p>6 Q. That's definitely not up to me.</p> <p>7 So did you have a process -- does</p> <p>8 NuStar have a process for updating or</p> <p>9 reverifying employment authorizations if the</p> <p>10 documents that are presented are near</p> <p>11 expiration?</p> <p>12 A. I -- I don't think so.</p> <p>13 Q. Okay.</p> <p>14 A. I don't -- There's -- What do you mean?</p> <p>15 What -- What expires?</p> <p>16 Q. Sure.</p> <p>17 A. Like a driver's license or something?</p> <p>18 Q. Work authorizations, like legal</p> <p>19 permanent resident cards or green cards, those</p> <p>20 have expiration dates.</p> <p>21 A. They do?</p> <p>22 Q. They do.</p> <p>23 A. Did not know that.</p> <p>24 Q. Okay. So NuStar doesn't do anything --</p> <p>25 Since you didn't know that, NuStar doesn't do</p>

38 (Pages 146 - 149)

<p style="text-align: right;">Page 150</p> <p>1 anything --</p> <p>2 A. I'd have to -- I'd have to refer you to</p> <p>3 Lori. I don't -- I didn't know they had -- I</p> <p>4 didn't know they had expiration dates.</p> <p>5 Q. Okay.</p> <p>6 A. We do -- We milk cows. We don't -- We</p> <p>7 don't necessarily do -- only do paperwork.</p> <p>8 Q. Got it.</p> <p>9 MR. BOYER: What are we up to?</p> <p>10 13? Lucky 13.</p> <p>11 Q. I told you I'd show you an I-9, and I'm</p> <p>12 a man of my word.</p> <p>13 A. Excellent.</p> <p>14 Q. One coming your way.</p> <p>15 (Exhibit 13 was marked for</p> <p>16 identification by the reporter.)</p> <p>17 A. Am I done with number 12?</p> <p>18 Q. You can set 12 aside, yes.</p> <p>19 A. Okay.</p> <p>20 Q. Mr. Nunes, you have been handed a</p> <p>21 document that has been marked as Defendants'</p> <p>22 Exhibit 13. So I think this is an example of --</p> <p>23 First of all, this is a Form I-9; right? State</p> <p>24 the obvious.</p> <p>25 A. It's a version of it.</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Okay.</p> <p>2 Q. You see he signed -- it appears that he</p> <p>3 signed at the bottom; right? At the very</p> <p>4 bottom, bottom left-hand corner, but I see an</p> <p>5 arrow pointing up there that the -- that was</p> <p>6 meant to be an employee signature up on the</p> <p>7 employee's signature line; right?</p> <p>8 A. Okay.</p> <p>9 Q. Do you see that? So --</p> <p>10 A. I -- Yeah, I -- there's something on</p> <p>11 the side there, yes.</p> <p>12 Q. Gotcha.</p> <p>13 A. A photocopy of some sort.</p> <p>14 Q. Gotcha. And he was, according to the</p> <p>15 records -- your response to Interrogatory Number</p> <p>16 1, he was an employee starting on June 4th,</p> <p>17 2010. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. Okay. And you have here the form was</p> <p>20 signed by him actually before he actually even</p> <p>21 started his first day, on 5-20-2010; right? So</p> <p>22 that's definitely -- he signed it timely; right?</p> <p>23 A. Okay.</p> <p>24 Q. Okay? Do you see that? And then down</p> <p>25 below, it seems that you guys filled it out</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. Gotcha. Give me just one moment,</p> <p>2 please.</p> <p>3 Okay. So this is the -- this</p> <p>4 appears to be the Form I-9 for a gentleman named</p> <p>5 [REDACTED] correct?</p> <p>6 A. That's what it says at the top.</p> <p>7 Q. Do you remember [REDACTED]</p> <p>8 A. No.</p> <p>9 Q. Okay. But here -- I mean, I think this</p> <p>10 is basically all done correctly, but tell me if</p> <p>11 I'm wrong. If you take a look here, it says --</p> <p>12 the box is checked for him being a lawful</p> <p>13 permanent resident; right? Do you see that at</p> <p>14 the top?</p> <p>15 A. Okay.</p> <p>16 Q. Okay. You see that box is checked;</p> <p>17 right?</p> <p>18 A. Yeah.</p> <p>19 Q. And then you look over here on the</p> <p>20 supporting card, and he has a permanent resident</p> <p>21 card; right?</p> <p>22 A. Okay.</p> <p>23 Q. Gotcha. And although he signed in the</p> <p>24 wrong spot -- So go back to the Form I-9 on the</p> <p>25 front.</p>	<p style="text-align: right;">Page 153</p> <p>1 correctly here in Section 2; right? Not a trick</p> <p>2 question. I think you filled it out correctly.</p> <p>3 Does that look correct to you?</p> <p>4 A. Okay.</p> <p>5 Q. Well, does -- does this look like you</p> <p>6 filled out Section 2 correctly?</p> <p>7 A. I mean, the paper doesn't look correct</p> <p>8 to me, because it has, you know, his signature</p> <p>9 down here. It belongs up there. You know, it</p> <p>10 looks like mostly a clerical error, where maybe</p> <p>11 he didn't understand what he was filling out</p> <p>12 properly.</p> <p>13 Q. Fine. Fair enough. The one thing we</p> <p>14 have identified here is that he signed in the</p> <p>15 wrong spot; correct?</p> <p>16 A. Yeah.</p> <p>17 Q. But other than him signing in the wrong</p> <p>18 spot, this form looks to be filled out</p> <p>19 correctly; right?</p> <p>20 A. Lawful permanent resident. I don't</p> <p>21 know. You'd have to ask Lori. I don't -- I</p> <p>22 don't know.</p> <p>23 Q. Well, I mean, earlier you were talking</p> <p>24 about how you were scrupulous in making sure</p> <p>25 that everything was --</p>

39 (Pages 150 - 153)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 40 of 105

App. 151

<p style="text-align: right;">Page 154</p> <p>1 A. No, that's not what I said.</p> <p>2 Q. Okay.</p> <p>3 A. I said make sure that like their Social</p> <p>4 Security numbers -- they should be matching up</p> <p>5 with their Social Security number, I look at the</p> <p>6 cards.</p> <p>7 Q. Okay. So you check and make sure the</p> <p>8 Social Security number matches the card?</p> <p>9 A. That's correct.</p> <p>10 Q. Got it. And you check -- you</p> <p>11 probably -- I think we talked about you want to</p> <p>12 make sure that the names match; right?</p> <p>13 A. I don't recall this one, you know.</p> <p>14 Exactly I don't recall it.</p> <p>15 Q. Understood. Gotcha. But do you see</p> <p>16 down here in Section 2? Somebody filled out</p> <p>17 correctly, I will note, the List A. Do you see</p> <p>18 where it says "List A" in Section 2?</p> <p>19 A. Okay.</p> <p>20 Q. Yeah. And you list the types of</p> <p>21 documents; right?</p> <p>22 Strike that.</p> <p>23 You list the details for the</p> <p>24 document -- the List A document that they</p> <p>25 provided; right?</p> <p style="text-align: right;">Page 155</p> <p>1 A. Okay.</p> <p>2 Q. Okay. Do you understand what a List A</p> <p>3 document is?</p> <p>4 A. Not exactly. It's a -- What it -- What</p> <p>5 is it exactly?</p> <p>6 Q. Well, I'm fundamentally asking you as</p> <p>7 NuStar's corporate representative.</p> <p>8 A. We don't -- We require two things. We</p> <p>9 require a Social Security card and a photo ID.</p> <p>10 Q. Yeah.</p> <p>11 A. That's what we require.</p> <p>12 Q. Gotcha. Okay. Down here in the</p> <p>13 certification, this one was signed -- this one</p> <p>14 in particular was signed by, I think, your mom,</p> <p>15 Toni Dian Nunes; right?</p> <p>16 A. That's what it says.</p> <p>17 Q. Hold on a second. Sorry about that.</p> <p>18 And she seems to have signed it</p> <p>19 in -- on June 1st, 2010, if I'm reading that</p> <p>20 correctly. Is that what it says?</p> <p>21 A. That's what it says.</p> <p>22 Q. All right. So again, she completed her</p> <p>23 portion -- Strike that.</p> <p>24 NuStar completed its portion of</p> <p>25 this Form I-9 prior to [REDACTED] starting</p>	<p style="text-align: right;">Page 156</p> <p>1 work on June 4th; right?</p> <p>2 A. When did he start work?</p> <p>3 Q. June 4th, 2010.</p> <p>4 A. He started -- Where is that? What --</p> <p>5 What are you looking at to know that?</p> <p>6 Q. Absolutely. I'm looking at Defendants'</p> <p>7 Exhibit 9.</p> <p>8 A. Okay. Do you know what page?</p> <p>9 Q. Yep. Well, the pages aren't numbered,</p> <p>10 unfortunately.</p> <p>11 A. Okay.</p> <p>12 Q. But it's in alphabetical order.</p> <p>13 A. Okay.</p> <p>14 Q. And this one is under [REDACTED].</p> <p>15 A. That would make sense.</p> <p>16 Q. There are a few [REDACTED]</p> <p>17 A. Very common. Very common name.</p> <p>18 Q. Yes. This one is toward the end of the</p> <p>19 [REDACTED] And it appears at the top of the</p> <p>20 page.</p> <p>21 A. Okay. It's not in this -- Okay.</p> <p>22 Q. Yeah. So I think you found him now.</p> <p>23 He's right above [REDACTED].</p> <p>24 A. Okay.</p> <p>25 Q. Yep. And you see it has the dates of</p> <p style="text-align: right;">Page 157</p> <p>1 his employment in the fourth column, and it says</p> <p>2 6-4-2010 to 5-02-2011; right?</p> <p>3 A. Okay.</p> <p>4 Q. Okay. So my point is nothing more than</p> <p>5 it seems that this form was filled out with the</p> <p>6 exception -- Strike that.</p> <p>7 With the exception of [REDACTED]</p> <p>8 [REDACTED] signing in the wrong spot but then an</p> <p>9 arrow signifying where it should be, this form</p> <p>10 was filled out correctly; right?</p> <p>11 A. Yeah. I don't -- I don't know why it</p> <p>12 would be so -- so many days difference. That</p> <p>13 doesn't necessarily make sense, like he would</p> <p>14 start work, you know, two weeks. But it's</p> <p>15 possible. Who knows? He might have had --</p> <p>16 worked somewhere else and gave two weeks' notice</p> <p>17 and he already filled out his paperwork. I</p> <p>18 don't know.</p> <p>19 Q. Okay. Fair enough. But the point is</p> <p>20 that NuStar knows how to fill out I-9 forms</p> <p>21 correctly; right?</p> <p>22 A. I would say we do, yes.</p> <p>23 Q. Yes? And, in fact, it did it here in</p> <p>24 Exhibit -- Defendants' 13; correct?</p> <p>25 A. What did you say?</p>
---	---

40 (Pages 154 - 157)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 158</p> <p>1 Q. Forgive me. And it filled out the I-9 2 form correctly here in Defendants' Exhibit 13; 3 right? 4 A. I'd have to ask Lori if it's filled out 5 correctly. I don't know 100 percent. 6 Q. Okay. All right. 7 A. Are you done with 13? 8 Q. Yeah. You can set 13 aside. 9 A. Okay. 10 Q. I'm going to show you a document that 11 has been previously marked as Defendants' 12 Number -- that one is mine, I believe. Yes. 13 Defendants' Number 6. Can you reach that? 14 A. Oh, that's an old one. 15 Q. It is. This is -- Strike that. 16 Defendants' Exhibit 6 is 17 [REDACTED] I-9 form; correct? 18 A. Looks like it. 19 Q. Is this one of the I-9s you reviewed in 20 preparing for this deposition? 21 A. I don't think so. 22 Q. Okay. I want to draw your attention to 23 [REDACTED] permanent resident card, 24 which is on page PX689. So first of all, 25 this -- let me just be clear. This is the</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. It says 12-22-09; right? 2 A. Okay. 3 Q. Okay. [REDACTED] resident 4 card appears to have expired on December 22nd, 5 2009; right? 6 A. That's what it says, yes. 7 Q. Okay. And NuStar didn't do anything to 8 confirm whether [REDACTED] still has 9 work authorization at present; right? 10 A. I don't think legally we could ask 11 anything about expirations. 12 Q. Why -- I'm sorry, you said you can't 13 ask anything about expirations? 14 A. I'm pretty sure. You might have to ask 15 Lori, but I don't think we -- we can't legally 16 ask about that. 17 Q. Right. So you understand that this 18 legal permanent resident card is a work 19 authorization card; right? 20 A. Right. 21 Q. Okay. It's -- It basically says that 22 he's authorized -- according to this card, he's 23 authorized to reside in and work in the United 24 States until December of 2009; right? 25 A. Okay.</p>
<p style="text-align: right;">Page 159</p> <p>1 permanent resident card and Social -- 2 A. Are you looking at the front? 3 Q. I'm looking at the front, correct. 4 A. Okay. 5 Q. This is the permanent resident card and 6 Social Security card that [REDACTED] 7 presented when he applied for employment with 8 you back in 2007; correct? 9 A. It appears to be. 10 Q. Right. It's the one that he submitted 11 at the time the I-9 form was complete? 12 A. That's our copy, yep. 13 Q. Gotcha. If you look at his permanent 14 resident card, it says the card expired in 2009; 15 correct? 16 A. Where does it say that at? 17 Q. There's a spot -- Do you see where 18 [REDACTED] signature is on the card? 19 A. Okay. 20 Q. Do you see right above it these little 21 words that say "Card Expired"? 22 A. Okay. 23 Q. Right above that is a date. Do you see 24 the date? 25 A. Okay.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Okay. Have you taken any steps to 2 confirm whether or not [REDACTED] -- 3 A. I'm not -- I can't legally do that. 4 Q. You can never again confirm that -- 5 A. I don't think I can legally ask. We've 6 never had -- I assume everything is right and 7 proper, because the government has never sent us 8 anything saying, "Hey, there's a problem here." 9 I mean, '09? You're talking, what, 12 years? I 10 don't -- I don't think we could legally ask 11 about expiration dates. 12 Q. Okay. What's prohibiting you? What's 13 the law that prohibits you from asking about 14 expiration dates? 15 A. It says right on it, doesn't it? 16 Q. Okay. Let's take a look. 17 A. It says on the I-9 somewhere. Do you 18 have a different -- Maybe it's on the other 19 forms, about discrimination. 20 Q. What -- What would be discriminatory 21 about asking [REDACTED] if he has a 22 new permanent resident card? 23 A. We're not -- You'd have to ask Lori. I 24 don't know. 25 Q. Okay. You understand you're testifying</p>

41 (Pages 158 - 161)

<p style="text-align: right;">Page 162</p> <p>1 on behalf of NuStar. You said you're the 2 corporate representative; right? So does NuStar 3 know? 4 A. Yeah, you'd have to refer to Lori. 5 Q. Okay. All right. So I'll mention as 6 well that during his testimony [REDACTED] if I 7 recall correctly, he said -- 8 A. Can I -- Can I finish here? 9 Q. Yeah, please. 10 A. Yeah. Because it says -- it does say 11 future expiration dates -- we can't ask anything 12 about cards, future expiration dates, any of 13 that. It says right on the I-9 form. 14 Q. Okay. Where are you looking at? 15 A. The top, about the last sentence. 16 Q. The refusal because of a future 17 expiration date may also constitute -- that's 18 right. "The refusal to hire an individual 19 because of a future expiration date may also 20 constitute illegal discrimination"; right? 21 That's what it says? 22 A. That's what it says. 23 Q. So if [REDACTED] had 24 presented a document to you -- Strike that. 25 It would have been -- You would</p>	<p style="text-align: right;">Page 164</p> <p>1 get in trouble by the government by no means. I 2 mean, we're a family farm. We don't have HR 3 people. We just want to make sure that it's 4 proper and correct. 5 Q. Right. 6 A. As far as I know, he's 100 percent 7 legal to work. 8 Q. Got it. Are you -- You're aware of the 9 fact that [REDACTED] began his 10 testimony at a deposition in this case a couple 11 months ago; right? 12 A. Okay. 13 Q. Do you remember that? 14 A. I remember, yes, that there was that, 15 yes. 16 Q. There was a deposition? 17 A. Yeah. 18 Q. And he testified; right? Did you -- Do 19 you know what he said in his testimony? 20 A. I have no idea. 21 Q. Okay. You didn't read a transcript? 22 A. No. 23 Q. Okay. Did you talk to him afterwards 24 about what was said during the deposition? 25 A. No.</p>
<p style="text-align: right;">Page 163</p> <p>1 not have been permitted at the time you hired 2 [REDACTED] to say, "Your document 3 expires in two years, and therefore I'm not 4 going to hire you" in 2007; right? You couldn't 5 have done that? 6 A. That's correct. 7 Q. That would have been discrimination; 8 right? 9 A. Um-hum. 10 Q. Okay. I'm not asking about that. I'm 11 asking about whether after 2009 you took any 12 steps to confirm -- 13 A. Am I legally obligated to do that? 14 Q. It's up -- I'm asking about NuStar's 15 knowledge as to what it's legally obligated to 16 do. 17 A. I'm going to have to refer to Lori. 18 Q. Okay. 19 A. I don't -- I don't know. 20 Q. Okay. 21 A. I don't think we can legally do that. 22 Q. All right. 23 A. You're starting to get in gray areas 24 where you've got to be careful, because, I mean, 25 we're not fly by night. I mean, I don't want to</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Talk to anybody about what he said 2 during the deposition? 3 A. No. 4 MR. BISS: Except -- Except for 5 me; right? 6 MR. BOYER: Yes. I'm sorry. 7 Q. Just to be clear, I'm not asking at all 8 about conversations you might have had with 9 Mr. Biss. Okay? So other than the 10 conversations with Mr. Biss, have you talked to 11 anybody about -- 12 A. Yeah, Mr. Biss. But other than that, 13 nobody. 14 Q. Okay. 15 MR. BISS: Nate, apologies for 16 interrupting. Are you at a convenient stopping 17 point on this subject? I need to take a very 18 short break. 19 MR. BOYER: I am -- No. I -- 20 MR. BISS: I don't mean to 21 interrupt, I know we've had one break, but I -- 22 MS. HAUSER: And lunch has 23 arrived and is available for everyone, if that's 24 a -- 25 MR. BOYER: You know, I was going</p>

42 (Pages 162 - 165)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 166</p> <p>1 to turn you down, Steve, but now that lunch is 2 here, I think now is the perfect time. 3 MR. BISS: She saved me. 4 MR. BOYER: Saved by lunch as 5 always. 6 MR. BISS: Well, it's 12:44. 7 It's probably a good time -- a good time to 8 stop. 9 MR. BOYER: Yeah. Absolutely. 10 MR. BISS: What do you think we 11 should do? 45 minutes? 12 MR. BOYER: 45 minutes sounds 13 just about right. 14 MR. BISS: Come back at 1:30? 15 MR. BOYER: 1:30 it is. Let's 16 shoot for 1:30. You know where to find us. 17 MR. BISS: We're going to go to 18 our -- We're going to go to our 19 breakout/lunchroom. 20 MR. BOYER: Excellent. Great. 21 THE VIDEOGRAPHER: We are going 22 off the record. This is the end of Media Unit 23 Number 2. The time is 12:45. 24 (A recess was taken.) 25 THE VIDEOGRAPHER: We are back on</p>	<p style="text-align: right;">Page 168</p> <p>1 A. No. 2 Q. You speak Spanglish, and that's the 3 best -- that's what we've got going in terms of 4 the Nunes family members? 5 A. That's all we have. 6 Q. Okay. Fair enough. And I was also 7 struck by -- you commented a couple times that 8 the workforce there is sort of one -- you know, 9 one large family and it's a good rapport among 10 all the workers. Is that fair to say? 11 A. I would like to think so. 12 Q. Okay. So taking, for example, 13 [REDACTED], do you ever just talk 14 with him about his personal life? 15 A. Not necessarily his personal life, no. 16 Q. Like do you ever take vacations and 17 stuff like that? 18 A. No. 19 Q. Do you ever say, "Where did you go? 20 How was that vacation?" Anything like that? 21 A. Generally not. Just ask, "Hey, did you 22 have a good vacation?" 23 "Yeah." 24 That's it. 25 Q. Okay. Not like "Where did you go?" or</p>
<p style="text-align: right;">Page 167</p> <p>1 the record. This is the beginning of Media Unit 2 Number 3. The time is 1:34. 3 Q. Welcome back, Mr. Nunes. I hope lunch 4 was good. 5 When we left off, we were talking 6 about [REDACTED] document. We'll 7 get back to that in a second, but first I just 8 wanted to ask -- pick up on something else we 9 talked about earlier, namely Spanish. You said 10 you speak Spanish; right? 11 A. Yep. 12 Q. Yeah. Do you consider yourself fluent 13 in Spanish? 14 A. No. 15 Q. Okay. How would you describe your -- 16 A. Spanglish. 17 Q. Spanglish? Okay. Fair enough. Does 18 Lori speak Spanish? 19 A. No. 20 Q. Okay. None at all? 21 A. None. 22 Q. Your mother, Toni Dian, does she -- 23 A. No. 24 Q. No? What about your father, Anthony 25 Jr.?</p>	<p style="text-align: right;">Page 169</p> <p>1 anything like that? 2 A. No. No. 3 Q. All right. Okay. And I think you also 4 mentioned that -- well, does -- [REDACTED] 5 [REDACTED] does he drive to the farm? 6 A. I think he does. 7 Q. You think he does? Okay. I mean, how 8 many cars are coming into the farm each day in 9 terms of, you know, workers coming in to do 10 work? 11 A. It all -- It all depends, you know, who 12 is working. 13 Q. Um-hum. Well, what's sort of the high 14 end and what's the low end? 15 A. I don't know. There might be five, six 16 cars there. I guess I never counted. 17 Q. Okay. 18 A. I don't keep track of cars. 19 Q. That's fair enough. But at any given 20 time -- at any given time how many workers are 21 there on the farm? 22 A. The minimum is three. 23 Q. Minimum is three. Got it. Okay. And 24 what's the maximum? 25 A. All the rest, whoever else is there.</p>

43 (Pages 166 - 169)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 44 of 105

App. 165

<p style="text-align: right;">Page 170</p> <p>1 Q. There would be times when all --</p> <p>2 A. There would be guys where -- there</p> <p>3 would be -- five -- eight. I'd say eight.</p> <p>4 Q. Okay. All right. Let's go back to</p> <p>5 [REDACTED] I-9, the document</p> <p>6 previously marked as Defendants' 6. The thing I</p> <p>7 wanted to ask you about is -- let's take a look</p> <p>8 at the back of his alien registration card,</p> <p>9 which I think is PX689. Do you see that?</p> <p>10 A. Okay.</p> <p>11 Q. Okay. Do you see where it says on that</p> <p>12 card "W16"?</p> <p>13 A. Okay.</p> <p>14 Q. Do you see that?</p> <p>15 A. Yeah. The second line?</p> <p>16 Q. Yeah. Exactly.</p> <p>17 A. Okay.</p> <p>18 Q. Do you know what that signifies?</p> <p>19 A. I have no idea.</p> <p>20 Q. Okay. I'll represent to you that that</p> <p>21 signifies the class of admission. Okay? So</p> <p>22 these cards have various information on them,</p> <p>23 and that's the class of admission for</p> <p>24 [REDACTED] alien registration card.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 172</p> <p>1 document, excuse me, which is itself excerpts</p> <p>2 from a document that I pulled called the</p> <p>3 Adjudicator's Field Manual produced by the</p> <p>4 USCIS. I take it you've never seen this before</p> <p>5 in your life; correct?</p> <p>6 A. Never seen it before.</p> <p>7 Q. Okay. A portion of this document talks</p> <p>8 about what the classes of admission are. Take a</p> <p>9 look at the last page, where I have excerpts</p> <p>10 from that section of this document. Not the</p> <p>11 back. You're looking at the last page right</p> <p>12 there. Correct.</p> <p>13 A. Okay.</p> <p>14 Q. About three or four lines down on the</p> <p>15 left-hand side do you see something that says</p> <p>16 "W16"?</p> <p>17 A. Okay.</p> <p>18 Q. Okay. And you go all the way across,</p> <p>19 and it describes who -- what the W16 class of</p> <p>20 admission is; right?</p> <p>21 A. Okay.</p> <p>22 Q. So again, this is a document by the</p> <p>23 U.S. government describing what W16 means.</p> <p>24 Okay. And at the end it says W16 class of</p> <p>25 admissions for, quote, an alien previously</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. Do you know what a class of admission</p> <p>2 is?</p> <p>3 A. Nope.</p> <p>4 Q. Okay. You understand that people can</p> <p>5 only become legal permanent residents under</p> <p>6 certain circumstances?</p> <p>7 A. I have no idea.</p> <p>8 Q. No idea how or why people become legal</p> <p>9 permanent residents?</p> <p>10 A. Nope.</p> <p>11 Q. Okay. Don't know why green cards get</p> <p>12 issued?</p> <p>13 A. I -- I don't know.</p> <p>14 Q. Don't know the different classes of</p> <p>15 admission?</p> <p>16 A. I have no idea.</p> <p>17 Q. Okay. Well, we'll talk about one of</p> <p>18 them here.</p> <p>19 MR. BOYER: Number 14.</p> <p>20 (Exhibit 14 was marked for</p> <p>21 identification by the reporter.)</p> <p>22 Q. You've just been handed a document</p> <p>23 that's been marked as Defendants' Exhibit 14.</p> <p>24 First of all, I want to say what this document</p> <p>25 is. It's a two-page -- well, a three-page</p>	<p style="text-align: right;">Page 173</p> <p>1 granted temporary resident status (legalization)</p> <p>2 who legally -- who illegally entered the</p> <p>3 country-region place United States without</p> <p>4 inspection prior to January 1, 1982.</p> <p>5 I take it you have no idea -- you</p> <p>6 had no idea that W16 meant that particular class</p> <p>7 of admission until I told you that right there;</p> <p>8 right?</p> <p>9 A. That's correct. I have no idea.</p> <p>10 Q. Okay. Gotcha. [REDACTED]</p> <p>11 was -- according to his identifications and his</p> <p>12 I-9, was born on [REDACTED] correct?</p> <p>13 You can take a look. It's Defendants' 6.</p> <p>14 A. Okay.</p> <p>15 Q. Okay. So that's yes, he represented to</p> <p>16 you that he was born on [REDACTED];</p> <p>17 correct?</p> <p>18 A. That's what it says.</p> <p>19 Q. Okay. But the W16 class of admission,</p> <p>20 according to the U.S. government, is limited to</p> <p>21 persons who illegally entered the country</p> <p>22 without inspection prior to January 1st, 1982;</p> <p>23 right?</p> <p>24 A. That's what it says.</p> <p>25 Q. Okay. So if W16 is limited to those</p>

44 (Pages 170 - 173)

<p style="text-align: right;">Page 174</p> <p>1 people, then it is literally impossible for</p> <p>2 [REDACTED] to be part of the W16</p> <p>3 class of admission; right?</p> <p>4 A. I have no idea.</p> <p>5 MR. BISS: Object to the form.</p> <p>6 Q. You have no idea. Well, do you doubt</p> <p>7 that the -- that this class of admission, W16,</p> <p>8 is designated as people who entered the United</p> <p>9 States before January 1st, 1982?</p> <p>10 MR. BISS: Object to the form.</p> <p>11 A. That's --</p> <p>12 Q. You can answer.</p> <p>13 A. That's what your paper says.</p> <p>14 Q. Okay.</p> <p>15 A. I don't know. I have no idea.</p> <p>16 Q. Okay. You're not going to check after</p> <p>17 this whether or not it is -- Actually, strike</p> <p>18 that. Don't worry about it.</p> <p>19 I talked earlier about the fact</p> <p>20 that [REDACTED] had his deposition --</p> <p>21 his deposition started in this case a couple</p> <p>22 months ago; right?</p> <p>23 A. Okay.</p> <p>24 Q. You remember that; right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 176</p> <p>1 A. No.</p> <p>2 Q. Okay. Did you tell him he's got to go</p> <p>3 to the deposition at least?</p> <p>4 A. I don't know if -- I don't know if I --</p> <p>5 Actually, honestly, I don't know. I don't know</p> <p>6 if I told him that or if Lori told him. I'm not</p> <p>7 sure.</p> <p>8 Q. Okay. Either -- It would have been</p> <p>9 either you or Lori would have said, [REDACTED]</p> <p>10 [REDACTED] you've got to go to your deposition"?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. And that's the first time</p> <p>13 anybody had said anything to him about his</p> <p>14 deposition, as far as you know?</p> <p>15 A. I mean, you'd have to notify him. I</p> <p>16 don't -- I don't remember when.</p> <p>17 Q. Okay.</p> <p>18 A. But, I mean, obviously there was</p> <p>19 probably prior communication.</p> <p>20 Q. Got it.</p> <p>21 A. You're just not going to go, "Oh, by</p> <p>22 the way, you're going to go over here." There</p> <p>23 had to have been some point in time. I just</p> <p>24 don't remember.</p> <p>25 Q. Okay. Okay. Did you have any other</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Okay. Do you recall that that</p> <p>2 deposition was interrupted or stopped short, I</p> <p>3 should say?</p> <p>4 A. Okay.</p> <p>5 Q. Do you recall that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you -- You know -- let me put it</p> <p>8 this way. Let me ask a better question, just to</p> <p>9 try to understand if there's anything that I can</p> <p>10 discuss that's not privileged. Okay? Were you</p> <p>11 involved in any conversations on that day of his</p> <p>12 deposition, May 12th, 2015, about [REDACTED]</p> <p>13 [REDACTED] deposition? Did you talk about it</p> <p>14 with anybody on that day?</p> <p>15 A. About his --</p> <p>16 MR. BISS: Well, that would</p> <p>17 require him to disclose attorney-client</p> <p>18 communications.</p> <p>19 Q. I guess if it's just about general --</p> <p>20 Did you discuss it with anybody other than</p> <p>21 Mr. Biss? Let me ask that.</p> <p>22 A. No.</p> <p>23 Q. Okay. Did you talk to [REDACTED]</p> <p>24 [REDACTED] before his deposition? We'll start</p> <p>25 there.</p>	<p style="text-align: right;">Page 177</p> <p>1 conversations with [REDACTED] later</p> <p>2 in that day, May 12th, about his deposition?</p> <p>3 A. I just asked him how it went, and he</p> <p>4 said they just stopped. He said they stopped.</p> <p>5 Q. Okay. That was after he came back to</p> <p>6 the farm?</p> <p>7 A. Yeah.</p> <p>8 Q. Gotcha. Anything else he said?</p> <p>9 A. Nope. I didn't -- I can't ask him, can</p> <p>10 I?</p> <p>11 Q. Well, did you -- Well, did you -- that</p> <p>12 was the only question you asked, that was the</p> <p>13 only answer he provided, and that was --</p> <p>14 A. Yeah. I just said, you know, "How did</p> <p>15 it go?"</p> <p>16 Q. And you spoke to [REDACTED] in Spanish or</p> <p>17 English?</p> <p>18 A. English.</p> <p>19 Q. English. Okay. Does he speak English?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Pretty well?</p> <p>22 A. I think so.</p> <p>23 Q. Okay.</p> <p>24 A. To me he does, but I understand</p> <p>25 Spanglish.</p>

45 (Pages 174 - 177)

<p style="text-align: right;">Page 178</p> <p>1 Q. Gotcha. Gotcha. And [REDACTED] 2 [REDACTED], does he generally speak English with 3 you on the farm? 4 A. I think so. 5 Q. And with -- And obviously with Lori, 6 because she only speaks English; right? 7 A. Yeah. 8 Q. Okay. Do you recall when Mr. -- you 9 recall, obviously, that Mr. Lizza was in Sibley 10 in August of 2018 doing his reporting; right? 11 A. Yes. 12 Q. Asking questions about the Nunes family 13 farm; right? 14 A. Yes. 15 Q. Okay. Did you discuss that matter with 16 any of the employees on the farm at that time? 17 A. Yeah, because I told them -- we seen 18 cars driving around. 19 Q. Okay. 20 A. Some random car. So you always be 21 leery of random cars going down roads that 22 random cars don't go down. So I said, "Hey, be 23 aware that -- that there's some random person 24 driving around. We don't know who it is." 25 Because you don't know if they're animal rights</p>	<p style="text-align: right;">Page 180</p> <p>1 A. He talked to everybody. 2 Q. Everybody? 3 A. He talked to all kinds of people. 4 Q. Okay. 5 A. Because they all contacted us. The 6 business owners that he went to, they told us, 7 "Hey, there's some guy here asking about your 8 brother and you guys and about illegal 9 immigrants." 10 Q. Okay. 11 A. I mean, he told everybody -- he said he 12 was from LA. Some guy -- Some random guy comes 13 into town, not like a normal Midwesterner, 14 pretty arrogant, asking if he's -- he's from LA, 15 he's from New York, he's from Washington, D.C., 16 he's from CNN, he's from Esquire, he's from all 17 kinds of different places. So everybody is like 18 "What is going on?" You're talking about rural 19 Iowa. Everybody is going to be all "What's 20 going on here?" 21 Q. Okay. Who -- Who are the -- Who is the 22 everybody who was reaching out to you at that 23 time? 24 A. All kinds of people. 25 Q. Okay. Just help me -- Just provide the</p>
<p style="text-align: right;">Page 179</p> <p>1 people. You don't know what they are. You 2 don't know who they are. 3 Q. Got it. So you think -- 4 A. You know, it could be somebody wanting 5 to steal something. You don't know. It's just 6 normal -- normal everyday stuff. We go, "Hey, 7 there's a random car." 8 Q. Okay. So you told -- you told the 9 workers to avoid the random car, basically? 10 A. That's not what I said. 11 Q. Okay. I'm sorry, say it again. What 12 exactly did you tell them? 13 A. I told them just to be -- if you see 14 some random car coming on the dairy, we're going 15 to have to -- don't let them just drive around. 16 Q. Got it. Okay. Were you aware of 17 anyone else Mr. Lizza was just talking to in 18 Sibley at that time? 19 A. Well, yeah. I know Hoyers. 20 Q. You know Hoyers. Right. Okay. 21 A. Yeah. 22 Q. Who else? 23 A. After -- What is your question again? 24 Q. Yeah. Who else was Mr. Lizza talking 25 to in Sibley that you're aware of?</p>	<p style="text-align: right;">Page 181</p> <p>1 names, best as you can recall. 2 A. He was at Hoyers, he was at The 3 Lantern, he went to -- he went up and down the 4 streets there. He went over to -- there's a 5 store there. He went to there and was asking 6 about us there. He parked in front of my dad's 7 house. My neighbors seen him. Then he moved 8 down and parked down at the other street and was 9 just hanging out there until my dad goes "What 10 is going on?" I seen this vehicle -- the couple 11 days -- the day before driving by the dairy when 12 we're chopping silage, and it's like, "Hey, 13 what's this random car doing here?" 14 Q. You mentioned a store there. What was 15 the store you were referring to? 16 A. The clothing store or something, 17 knickknack store. 18 ANTHONY NUNES, JR.: Porch on 19 Main. 20 A. Porch on Main. 21 Q. Oh, Porch on Main? 22 A. Yeah. 23 Q. Okay. Just to be clear, I think -- if 24 I'm not mistaken, I think Anthony Jr. just 25 mentioned Porch on Main and that refreshed your</p>

46 (Pages 178 - 181)

<p style="text-align: right;">Page 182</p> <p>1 recollection?</p> <p>2 A. Yeah. That's correct.</p> <p>3 Q. Okay. Gotcha. Any other stores that</p> <p>4 you're aware that he was stopping in?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 A. I just know he was going up and down</p> <p>8 there. I don't know.</p> <p>9 Q. Okay. Did you say anything else to</p> <p>10 your employees about Mr. Lizza?</p> <p>11 A. No, because they -- I mean, they don't</p> <p>12 know who he is. I just told them "There's some</p> <p>13 random black car driving around with Nebraska</p> <p>14 plates. Be -- Be on the lookout."</p> <p>15 Q. Okay.</p> <p>16 A. Because like once again, we don't know</p> <p>17 if they're animal rights people. We don't know</p> <p>18 who they are.</p> <p>19 I mean, my brother gets death</p> <p>20 threats. Can these people be coming over to our</p> <p>21 place? You never know. You always watch out</p> <p>22 for those things. You've got to be really</p> <p>23 careful. There's a lot of crazy people out</p> <p>24 there trying to, you know, do bad things.</p> <p>25 Q. Okay. You ultimately learned that he's</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Are we done with Exhibit 7 as well?</p> <p>2 Q. I believe so, yes.</p> <p>3 Mr. Nunes, you've been handed a</p> <p>4 document that has been marked as Defendants'</p> <p>5 Exhibit 15. It appears it is a document</p> <p>6 produced by Plaintiffs bearing Bates stamp PX675</p> <p>7 to 76. And appended to it is another document</p> <p>8 produced by Plaintiffs bearing Bates stamp</p> <p>9 PX2781. So first of all, we were talking</p> <p>10 earlier about [REDACTED]; right?</p> <p>11 A. You mentioned him, yes.</p> <p>12 Q. Yes. And you can double-check if you</p> <p>13 want on Exhibit 9, but I believe he's worked for</p> <p>14 the farm since 2008. Does that sound right?</p> <p>15 A. I don't know. He's been there a long</p> <p>16 time.</p> <p>17 Okay.</p> <p>18 Q. Okay. Yeah, you see that. 2008;</p> <p>19 right?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. Have you gotten to know him on a</p> <p>22 personal level over the years?</p> <p>23 A. I went to his daughter's wedding.</p> <p>24 Q. So that's a reasonably personal level.</p> <p>25 Okay. That's fine. Do you know where he's from</p>
<p style="text-align: right;">Page 183</p> <p>1 a reporter; right?</p> <p>2 A. Yeah, once my dad confronted him. So</p> <p>3 are you asking me personal questions, or are you</p> <p>4 asking me about the farm? I want to make sure</p> <p>5 we don't -- we don't --</p> <p>6 Q. That's actually a fair point. This</p> <p>7 last sequence of questions which I've been</p> <p>8 talking about Ryan Lizza's reporting --</p> <p>9 A. Yeah.</p> <p>10 Q. -- I think I've been talking to you in</p> <p>11 your personal capacity.</p> <p>12 A. Okay.</p> <p>13 Q. So I appreciate you were not</p> <p>14 speaking -- you were not speaking --</p> <p>15 A. Well, that's what I'm -- I didn't --</p> <p>16 Q. Sorry.</p> <p>17 A. I'm not speaking on behalf of the farm,</p> <p>18 no.</p> <p>19 Q. Gotcha. Sorry about that.</p> <p>20 MR. BOYER: We're up to 15.</p> <p>21 (Exhibit 15 was marked for</p> <p>22 identification by the reporter.)</p> <p>23 A. Are we done -- Are we done with this</p> <p>24 one?</p> <p>25 Q. Yes. You can set this one aside.</p>	<p style="text-align: right;">Page 185</p> <p>1 originally?</p> <p>2 A. Mexico.</p> <p>3 Q. Mexico?</p> <p>4 A. I guess. I -- Actually, I don't -- I</p> <p>5 don't know.</p> <p>6 Q. Okay. All right. Do you know like</p> <p>7 where he's -- what he did before he worked on</p> <p>8 the farm?</p> <p>9 A. No.</p> <p>10 Q. Do you know where he lived before he</p> <p>11 worked on the farm?</p> <p>12 A. No.</p> <p>13 Q. Okay. So let's talk about this</p> <p>14 document that's marked as Plaintiffs' Exhibit</p> <p>15 15. So start at the top in Section Number 1.</p> <p>16 Am I correct that this is Ms. Lori Nunes's</p> <p>17 handwriting here at the top in Section 1?</p> <p>18 A. I -- I have no idea. I can't answer</p> <p>19 that.</p> <p>20 Q. All right. I can ask her, and she'll</p> <p>21 probably be able to tell; right?</p> <p>22 A. Usually that's -- that's filled out by</p> <p>23 employees, so I doubt she filled that out, but</p> <p>24 it's hard to say. I have no idea.</p> <p>25 Q. Okay.</p>

47 (Pages 182 - 185)

<p style="text-align: right;">Page 186</p> <p>1 A. I cannot answer that.</p> <p>2 Q. Okay. So a couple of other things</p> <p>3 about this form as you go down it. You see</p> <p>4 [REDACTED] attests here -- do you see a box</p> <p>5 checked under "A noncitizen national of the</p> <p>6 United States"? Do you see that?</p> <p>7 A. Okay.</p> <p>8 Q. Do you know what that is?</p> <p>9 A. Nope.</p> <p>10 Q. Okay. Do you know if that's not -- a</p> <p>11 noncitizen national is somebody who's from like</p> <p>12 the Swain Islands or some very discrete places</p> <p>13 that happen to be U.S. property but nationals.</p> <p>14 A. Okay.</p> <p>15 Q. Do you believe [REDACTED] is from the</p> <p>16 Swain Islands?</p> <p>17 A. Not that I know of.</p> <p>18 Q. Which I believe is in the South Pacific</p> <p>19 or something like that.</p> <p>20 A. I have no idea.</p> <p>21 Q. Okay. If you keep scrolling down here,</p> <p>22 this is signed by [REDACTED], and it's</p> <p>23 dated January 20th, 2016. Do you see that?</p> <p>24 A. Okay.</p> <p>25 Q. Okay. Now go to the next page, which</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. Okay. So although [REDACTED] started</p> <p>2 his employment in April of 2008, he didn't sign</p> <p>3 this form until January of 2016; is that</p> <p>4 correct?</p> <p>5 A. I don't know why that would be. I</p> <p>6 don't know. I don't know if it was a</p> <p>7 correction, if they updated something. I don't</p> <p>8 know.</p> <p>9 Q. You think maybe there was a prior form</p> <p>10 on file?</p> <p>11 A. Is this the only form you have?</p> <p>12 Q. That's the only one we have.</p> <p>13 A. Then that's the only one on file.</p> <p>14 Q. Okay. Would you have kept the older</p> <p>15 form if he had filed and signed a new one?</p> <p>16 A. You're going to have to ask Lori. I</p> <p>17 don't know. I don't -- I don't know why there's</p> <p>18 a discrepancy, if -- I have no idea.</p> <p>19 Q. Okay. And then you go down even --</p> <p>20 down a little further still. And you see</p> <p>21 there's a reverification and rehire section? Do</p> <p>22 you see it says "Section 3. Reverification and</p> <p>23 Rehires"? Right?</p> <p>24 A. Okay.</p> <p>25 Q. And then down there toward the bottom</p>
<p style="text-align: right;">Page 187</p> <p>1 is the back of the I-9 form. And you see toward</p> <p>2 the bottom there's the certification; right? Do</p> <p>3 you see --</p> <p>4 A. Okay.</p> <p>5 Q. -- the section that says</p> <p>6 "Certification"?</p> <p>7 Do you see that?</p> <p>8 A. Where -- Where is -- No, I don't.</p> <p>9 Where is it?</p> <p>10 Q. About two-thirds of the way down the</p> <p>11 page it says "Certification."</p> <p>12 A. Okay.</p> <p>13 Q. Okay. And it says here the employee's</p> <p>14 first day of employment was April of 2008;</p> <p>15 right?</p> <p>16 A. Okay.</p> <p>17 Q. What -- So just to be clear, the --</p> <p>18 this form was not signed -- Actually, let me --</p> <p>19 Let me actually keep on going down. You see</p> <p>20 also -- I believe that's your signature right</p> <p>21 below it; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you dated it July 20th, 2016;</p> <p>24 right?</p> <p>25 A. That's what it says.</p>	<p style="text-align: right;">Page 189</p> <p>1 you have what appears to be your name, your</p> <p>2 signature, with a date of October 5th, 2018.</p> <p>3 A. Okay.</p> <p>4 Q. Do you see it? Do you recall signing</p> <p>5 this in October of 2018?</p> <p>6 A. It could have been --</p> <p>7 Q. Or excuse me.</p> <p>8 A. It could have been -- It could have</p> <p>9 been a correction.</p> <p>10 Q. Strike that. November of 2018. Excuse</p> <p>11 me.</p> <p>12 A. Okay.</p> <p>13 Q. Okay.</p> <p>14 A. It could have been a correction.</p> <p>15 Q. Okay. Was it --</p> <p>16 A. Because you've got to remember, Amanda</p> <p>17 came out and went through all this stuff. So</p> <p>18 maybe we signed it there and then it was wrong</p> <p>19 and then we re-signed it over -- then this could</p> <p>20 have been a correction down here. Because</p> <p>21 Amanda went through every single</p> <p>22 communication -- Amanda went through every</p> <p>23 single employee at that time and everything was</p> <p>24 fine. Every single one of them. [REDACTED] this</p> <p>25 one, everybody's. She went through them all.</p>

48 (Pages 186 - 189)

<p style="text-align: right;">Page 190</p> <p>1 Q. Okay. And she said they were fine?</p> <p>2 A. Everything was good. She said we</p> <p>3 actually had pretty remarkable records, because</p> <p>4 a lot of farms don't carry IDs, do -- do both.</p> <p>5 They don't do that. We do.</p> <p>6 Q. Got it. So she was impressed that your</p> <p>7 records were actually pretty well kept?</p> <p>8 A. That's what she said. So she went --</p> <p>9 everything you're asking, you've got to</p> <p>10 remember, like even [REDACTED], she seen that.</p> <p>11 She seen all this. There was an immigration</p> <p>12 attorney that looked at everything. So if</p> <p>13 there's something -- if there's an issue here,</p> <p>14 we weren't aware of it. And I'm still not aware</p> <p>15 of it.</p> <p>16 Q. Okay. Well, let's take a look at the</p> <p>17 next page that's appended here, which is PX2781.</p> <p>18 Okay?</p> <p>19 A. Okay.</p> <p>20 Q. So first, as a -- as a preliminary</p> <p>21 matter, take a look at the picture of this guy.</p> <p>22 This is [REDACTED] here, right, in the ID?</p> <p>23 A. It looks like him.</p> <p>24 Q. Okay. As an initial matter, these --</p> <p>25 this page was produced separately to us from the</p>	<p style="text-align: right;">Page 192</p> <p>1 say.</p> <p>2 Q. Okay.</p> <p>3 A. I don't know. You'd have to ask Lori.</p> <p>4 But you have all the information. There's not</p> <p>5 like there's some kind of conspiracy of some</p> <p>6 sort. It just -- It was all here.</p> <p>7 Q. I'm not assuming there's a conspiracy</p> <p>8 of some sort or anything. I just want to kind</p> <p>9 of make sure I understand. These would have</p> <p>10 been the documents that [REDACTED] would have</p> <p>11 presented at the time of hire?</p> <p>12 A. Of course.</p> <p>13 Q. Right? And you therefore would have</p> <p>14 made a scan and put a copy in; right?</p> <p>15 A. Of course.</p> <p>16 Q. And the fact that it happens -- if I'm</p> <p>17 understanding you correctly, the fact that it</p> <p>18 happens to have been produced later in the</p> <p>19 production to us could be any number of reasons,</p> <p>20 but the point is it was part of your file for</p> <p>21 him; right?</p> <p>22 A. We still stick to the strict protocol</p> <p>23 nobody can be hired without a Social Security</p> <p>24 card and a photo ID.</p> <p>25 Q. Got it.</p>
<p style="text-align: right;">Page 191</p> <p>1 I-9. I just want to know if you know why that's</p> <p>2 the case. Like was it stored separately or</p> <p>3 something?</p> <p>4 A. I don't know. I don't understand your</p> <p>5 question.</p> <p>6 Q. Okay. You see the Bates stamp at the</p> <p>7 bottom of this one we're looking at says</p> <p>8 "PX2781"?</p> <p>9 A. Okay.</p> <p>10 Q. Did you see it is my question.</p> <p>11 A. Yes.</p> <p>12 Q. Yes. And you see that the I-9 form</p> <p>13 itself was PX675, 76.</p> <p>14 A. Okay.</p> <p>15 Q. Okay. So I'm just saying this document</p> <p>16 was produced thousands of pages later. And I'm</p> <p>17 asking if you know why.</p> <p>18 A. I can't 100 percent say, but I'm</p> <p>19 assuming that there was a -- a paperwork error</p> <p>20 somewhere and it was found later on.</p> <p>21 Q. Okay.</p> <p>22 A. There isn't -- There's nothing to it.</p> <p>23 It was on file. It was just maybe put in a</p> <p>24 different spot. Maybe it wasn't stapled</p> <p>25 together, maybe it come apart. It's hard to</p>	<p style="text-align: right;">Page 193</p> <p>1 A. Always.</p> <p>2 Q. Okay.</p> <p>3 A. There's never ever a point that you</p> <p>4 could hire somebody without that.</p> <p>5 Q. Um-hum.</p> <p>6 A. Because if not, we don't know. We</p> <p>7 don't know if they're -- you know, you can't run</p> <p>8 the risk of hiring somebody that's illegal. I'm</p> <p>9 not going to go to jail for them, I can tell you</p> <p>10 that, or pay a fine.</p> <p>11 Q. Right. Give me one second. I lost my</p> <p>12 train of thought.</p> <p>13 So why don't we take a look at</p> <p>14 his ID card that's on page 2781. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. So look at the bottom right-hand corner</p> <p>17 of this card.</p> <p>18 A. Okay.</p> <p>19 Q. It says it was issued on January 8th,</p> <p>20 2018. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. It says ISS, and then right below</p> <p>23 January 8th, 2018; right?</p> <p>24 A. Okay.</p> <p>25 Q. So to be clear, by the point in time</p>

49 (Pages 190 - 193)

<p style="text-align: right;">Page 194</p> <p>1 when this document -- when this card was issued, 2 right, [REDACTED] had already been an employee 3 of the farm for ten years; right? 4 A. Okay. 5 Q. Right? Is that correct? 6 A. Whatever date he started. 7 Q. He started in April of 2008; right? 8 A. Okay. 9 Q. Right. So this card was issued over 10 ten -- issued almost ten years after he had 11 started his employment; right? 12 A. Okay. 13 Q. And [REDACTED], by the way, had been 14 living in a house in Sibley for a number of 15 years; right? 16 A. Okay. 17 Q. No. Yes? The answer is yes, he'd been 18 living in a house for a number of years; 19 correct? 20 A. Yes, he's been living there. Yes. 21 Q. In fact, he's been living in a house 22 that you own; correct? 23 A. Yes. 24 Q. Okay. And so to be specific, you and 25 Lori Nunes are the owners; correct?</p>	<p style="text-align: right;">Page 196</p> <p>1 know. He just said, "Here, here's the new ID." 2 Q. Okay. So you recall him coming and 3 saying, "Here's a new ID"? 4 A. He had to get -- deliver a new ID. 5 Q. Okay. Do you recall the old ID? 6 A. No, I don't. 7 Q. Okay. Do you -- Do you recall a point 8 in time at which he said, "I have a new ID," and 9 presented it to you? 10 A. I don't recall, no. 11 Q. You're just looking -- You're saying 12 that must have happened based on the date, but 13 you don't recall it? 14 A. It has to be. I don't recall what 15 happened there. 16 Q. Okay. 17 A. Because it doesn't -- I mean, it 18 doesn't correspond with anything, so I really 19 don't know. 20 Q. Right. Did you ask him when he 21 presented this card, "Hey, why do you have a 22 California license plate?" Or strike that. 23 "Hey, why do you have a California 24 identification card?" 25 A. I can't ask that question.</p>
<p style="text-align: right;">Page 195</p> <p>1 A. Yes. 2 Q. And he had been living there since at 3 least the time you bought it, which I believe we 4 saw was 2015; right? 5 A. That's what we said, yes. 6 Q. Okay. But [REDACTED] then at some 7 point, it seems, no sooner than 2018, presents 8 to the farm an identification card stating that 9 he lives in the state of California; right? 10 A. That's what it says. 11 Q. Okay. But you knew he lived in Sibley; 12 correct? 13 A. Yes. 14 Q. Okay. So although you knew this 15 document could not possibly be an identification 16 card with his actual address, you accepted it 17 anyway? 18 A. Well, he has family that lives out 19 there. I don't know. I don't know. 20 Q. You know, this doesn't say his family 21 lives in California; right? It says he does. 22 A. No. I can't -- I can't answer your 23 question. I don't know, because it just says 24 "Identification Card." He updated it. I don't 25 know if he was planning on leaving. You don't</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. You don't think you can ask like why 2 the card states from California when you know he 3 lives in Iowa? 4 A. I can't ask -- I can't ask questions 5 like that. 6 Q. Okay. 7 A. It -- I can't legally ask those 8 questions. 9 Q. Let's go with 16. 10 (Exhibit 16 was marked for 11 identification by the reporter.) 12 Q. Mr. Nunes, you've been handed a 13 document that's been marked as Defendants' 14 Exhibit 16. I'll tell you what this is because 15 I'm sure you don't know it, and I'm sure you 16 haven't seen it before. Is that correct? 17 A. I've never seen it before. 18 Q. All right. I took a look at the 19 address that was provided by [REDACTED] 20 A. Okay. 21 Q. -- on the parcel map in the city of 22 Bell, California. 23 A. Yeah. 24 Q. All right. And if you look here and 25 you look at Walker Avenue, right, [REDACTED]</p>

50 (Pages 194 - 197)

<p style="text-align: right;">Page 198</p> <p>1 says that his address -- according to his 2 identification card he presents, he has an 3 address of [REDACTED] Walker Avenue; right? In short, 4 when you look at the parcel map, there's no such 5 address; right? 6 A. Okay. 7 Q. It jumps from [REDACTED] Walker Avenue -- do 8 you see that sort of in the middle of the page? 9 A. What was it supposed -- What is it? 10 What does this document say? 11 Q. He says -- His identification card has 12 an address of [REDACTED] Walker Avenue. 13 A. Yeah. I don't know. I didn't prepare 14 this document, so I don't -- I don't know. I 15 don't see it on this document. 16 Q. Right. It jumps -- Do you see where it 17 says "[REDACTED] Walker Avenue"? 18 A. Okay. 19 Q. And you see it jumps to [REDACTED] Walker 20 Avenue right below it? 21 A. No. 22 Q. Okay. Do you see -- let's -- about 23 middle of the map, I guess it would be, 24 there's -- 25 A. [REDACTED] --</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. Okay. Are you referring to the 2 instructions that appear at the top of the I-9 3 form as to what you can and can't do? 4 A. There's -- There's sections that -- in 5 there. I don't -- I don't recall exactly. I 6 mean, it's just part of it. You just can't do 7 certain things. 8 Q. Okay. 9 A. Now, I don't know why he would -- I 10 really don't know why he has a different card. 11 I -- I don't know if I received that card or 12 not, but I can tell you this, on his -- on his 13 date of employment, he had the correct cards and 14 everything was right. Now, why this is, I have 15 no idea. 16 Q. Okay. 17 A. I really can't answer your question. 18 Q. Got it. 19 A. And I'm assuming there's a valid 20 answer, but I cannot answer that. 21 Q. Okay. Let's take a look at another 22 one. 23 A. Are you done with this one? 24 Q. Yep. You can set that one aside. 25 MR. BOYER: Here's 17. Oh,</p>
<p style="text-align: right;">Page 199</p> <p>1 Q. You said you saw [REDACTED] Walker Avenue? 2 A. Oh, yeah. Right there. Yep. 3 Q. Yep. Exactly. 4 A. I was looking at [REDACTED]. I'm sorry. 5 Q. So it skips over [REDACTED] Walker Avenue? 6 A. Okay. 7 Q. There is no [REDACTED] Walker Avenue; right? 8 A. According to your paper. 9 Q. Right. So it can't possibly be the 10 case that this is a genuine or authentic 11 identification card; right? 12 MR. BISS: Object to the form. 13 Q. Correct? 14 A. I have no idea. 15 Q. Okay. Well, I mean, the address 16 doesn't exist. We just saw that; right? 17 MR. BISS: Object to the form. 18 Assumes facts not in evidence. 19 Q. You can answer. 20 A. I have no idea. 21 Q. Okay. So when you say you -- you said 22 earlier that you can't ask him about his 23 California identification; right? 24 A. I can't ask about IDs. I can't ask too 25 much about them, if they're legal or not legal.</p>	<p style="text-align: right;">Page 201</p> <p>1 actually, mark 18 as well. We'll do them 2 together. 3 (Exhibits 17 and 18 were marked 4 for identification by the reporter.) 5 MR. BISS: Nate, what number are 6 we on? 7 MR. BOYER: 17. And Kristen is 8 about to hand you number 18. 9 Q. So you've been handed Documents 17 and 10 18. This is the I-9 form for [REDACTED]; 11 correct? 12 A. That's what it says. 13 Q. Sorry. To be specific, Defendants' 17 14 is the I-9 form for [REDACTED]; correct? 15 A. That's what it says. 16 Q. Okay. And you can ignore what's on the 17 back of Defendants' 17. Those are some W-4 18 forms. We won't talk about those. 19 So we haven't -- we have not 20 received any identification to be produced for 21 [REDACTED]. Are you aware of the fact 22 that you didn't produce any identification for 23 [REDACTED]? 24 A. You have his Social Security card. 25 Obviously we're missing some kind of other piece</p>

51 (Pages 198 - 201)

<p style="text-align: right;">Page 202</p> <p>1 of paper. There must have been something lost.</p> <p>2 Q. Got it. Did you -- Have you recently</p> <p>3 made any efforts to try to locate his</p> <p>4 identification?</p> <p>5 A. Me?</p> <p>6 Q. Yes, you. Let me -- Has NuStar, as far</p> <p>7 as you know, made any efforts?</p> <p>8 A. No.</p> <p>9 Q. Okay. And have you personally made any</p> <p>10 such efforts?</p> <p>11 A. No.</p> <p>12 Q. Okay. So I'll represent that I</p> <p>13 recently asked through Counsel if there is an</p> <p>14 identification, and it hasn't been produced,</p> <p>15 so --</p> <p>16 A. Yeah. There's a lot of stuff that</p> <p>17 never gets produced from you guys too.</p> <p>18 Q. Okay. Well, on this particular issue</p> <p>19 here with regard to the identification, does</p> <p>20 that mean that there is no identification on</p> <p>21 file for [REDACTED]?</p> <p>22 A. I don't have another one. Like I said,</p> <p>23 I gave you everything we had for 14 years. This</p> <p>24 one here, I don't know. There must have been</p> <p>25 something lost somewhere. I don't know.</p>	<p style="text-align: right;">Page 204</p> <p>1 of a Social Security card and it lists that</p> <p>2 there. Do you see that?</p> <p>3 A. Okay.</p> <p>4 Q. Okay. What you're talking about there</p> <p>5 with regards to the photo identification would</p> <p>6 be a List B card, but there's nothing listed</p> <p>7 under List B; right?</p> <p>8 A. Right.</p> <p>9 Q. Okay. Does that mean he didn't present</p> <p>10 a card at the time of hire?</p> <p>11 A. We don't have to fill out A, B, or C if</p> <p>12 we have copies.</p> <p>13 Q. Got it. So your position is you don't</p> <p>14 have to fill it out at all if you have copies?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. So the fact that you put -- the</p> <p>17 fact that you chose to fill out List C but not</p> <p>18 List B is just --</p> <p>19 MR. BISS: Object to the form.</p> <p>20 Q. I mean, was there a reason that you</p> <p>21 only filled out the Social Security card?</p> <p>22 MR. BISS: Object to the form.</p> <p>23 Q. Was there?</p> <p>24 A. I have no -- I didn't -- I don't know.</p> <p>25 Q. Okay. Down --</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. Got it. So take a look at the card --</p> <p>2 A. I can tell you this, it's still the</p> <p>3 same thing. When we hire somebody, they have to</p> <p>4 have a Social Security card and a photo ID.</p> <p>5 It's always the same no matter what.</p> <p>6 Q. Okay. Take a look at the first page.</p> <p>7 It says -- under Section 1 where [REDACTED]</p> <p>8 attests to him being a lawful permanent</p> <p>9 resident. Do you see that box checked?</p> <p>10 A. Okay.</p> <p>11 Q. All right. There's no alien</p> <p>12 registration number written there; correct?</p> <p>13 A. There's nothing marked there, no.</p> <p>14 Q. Right. But also, if I'm not mistaken</p> <p>15 too, we don't have a copy of his card on file</p> <p>16 either; right?</p> <p>17 A. I don't have a copy of that. It must</p> <p>18 have been lost somewhere, because you cannot be</p> <p>19 hired without two forms.</p> <p>20 Q. Right.</p> <p>21 A. Social Security card and a photo ID.</p> <p>22 Q. Now, go down to Section 2, where it</p> <p>23 says "Employer Review and Verification"; right?</p> <p>24 A. Correct.</p> <p>25 Q. And you see it says a List C document</p>	<p style="text-align: right;">Page 205</p> <p>1 A. I did not do it. You'd have to ask</p> <p>2 Lori.</p> <p>3 Q. Okay. Well, down here it appears that</p> <p>4 you signed it; correct? You signed the</p> <p>5 certification?</p> <p>6 A. Yep.</p> <p>7 Q. Right. And then --</p> <p>8 A. And once again, you have to have two</p> <p>9 forms of ID. We have a strict protocol that we</p> <p>10 have a Social Security card and an ID -- and a</p> <p>11 photo ID. We have to have those. We don't have</p> <p>12 to list them A, B, or C on the paper. I seen</p> <p>13 them, I acknowledged that they were correct, and</p> <p>14 I signed it.</p> <p>15 Q. Okay. Do you know why, similar</p> <p>16 question before, [REDACTED] Social</p> <p>17 Security card was produced thousands of pages</p> <p>18 later? Was it stored somewhere else?</p> <p>19 A. No, but they probably were in the same</p> <p>20 spot, I would assume that, as the other one.</p> <p>21 They must have been in a file somewhere else</p> <p>22 that was different for some reason.</p> <p>23 Q. Okay.</p> <p>24 A. But it's still a thousand more</p> <p>25 documents than Hearst Corp. has ever produced.</p>

52 (Pages 202 - 205)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 206</p> <p>1 Q. Okay. So we talked about [REDACTED] 2 [REDACTED] a little bit now. 3 MR. BOYER: Let's mark this 4 number 19. 5 (Exhibit 19 was marked for 6 identification by the reporter.) 7 A. Are we done with 17 -- 8 Q. Yes. 9 A. -- or are we going to keep that? 10 Q. Yeah, we're done with that one. 11 A. Are you done with 18 also? 12 Q. I believe so, yes. 13 A. Okay. 14 Q. Yep. So I've handed you a document 15 marked as Defendants' 19, produced by Plaintiffs 16 in this case. It appears -- It is the Iowa 17 Workforce Development reports and appended 18 payroll summaries for four quarters -- all four 19 quarters in 2018. Okay? 20 A. Okay. 21 Q. Are you familiar with these documents? 22 A. No. 23 Q. Okay. Is this something Lori handles? 24 A. Yes. 25 Q. All right. It's more of a bookkeeping</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. And nobody else, including other 2 longtime employees, like [REDACTED] or others, 3 make more than 13,000 in a given quarter; right? 4 A. Okay. 5 Q. Or 13,130.88, to be specific. Okay? 6 That's right; right? 7 A. Yes. 8 Q. Okay. In fact, in this particular 9 quarter, all three of them made more than you, 10 as I recall. I think you made \$15,000; right? 11 A. That's what it says. 12 Q. So my question is, I'm just curious, 13 why are these three individuals paid 14 significantly more than their peers? 15 A. What peers? 16 Q. Well, let's take -- is there a reason 17 that they're paid more than -- we'll start with 18 [REDACTED] who I think has been there for a 19 while; right? 20 A. Okay. 21 Q. Like why are they paid a few thousand 22 dollars more in a quarter than he is? 23 A. Why is a secretary paid less than an 24 attorney? 25 Q. I ask that question --</p>
<p style="text-align: right;">Page 207</p> <p>1 thing; right? 2 A. That's correct. 3 Q. Gotcha. Why don't you jump to page 4 488. There's text running through it, so it 5 might be difficult to read, but -- 6 A. Okay. 7 Q. Are you there? 8 A. Yep. 9 Q. Okay. One of the things we saw in 10 these is that quarter after quarter [REDACTED] 11 [REDACTED] 12 are -- are meaningfully higher paid than all 13 other employees. So take a look here. See line 14 14 for [REDACTED]? Right? 15 A. Yes. 16 Q. He's paid a little more than \$15,000, 17 right, for that quarter? 18 A. Okay. 19 Q. And 15 [REDACTED] is also paid 20 a little more than \$15,000 for that quarter; 21 right? 22 A. Okay. 23 Q. And [REDACTED] was paid a little 24 more than \$16,000 for the quarter; right? 25 A. Okay.</p>	<p style="text-align: right;">Page 209</p> <p>1 A. Just because they're women, or why is 2 it? 3 Q. Well, I'm sorry, I don't follow the 4 analogy I think you're trying to draw. Like 5 what -- 6 A. Well, there's no analogy. It's just 7 they're an employee, okay, so they get paid 8 less. What does that have to do with anything? 9 Q. Well, I'm just wondering if there's a 10 reason why they are paid more than -- than 11 others, like -- 12 A. Skill set, probably. 13 Q. Skill set? Okay. 14 A. That's what I would say. 15 Q. All right. Well, is there a -- has 16 there been like evaluations where they've gotten 17 greater bonuses or something over time? Because 18 you talked earlier, right, about how every year 19 there's a set amount in which everybody 20 increases? Right? 21 A. Yes. 22 Q. And it's pretty -- And it's a quarter a 23 year per hour; right? 24 A. Right. 25 Q. Okay. And they would have started at</p>

53 (Pages 206 - 209)

<p style="text-align: right;">Page 210</p> <p>1 whatever it was?</p> <p>2 A. If you recall, I said that was</p> <p>3 started -- this year we started doing that, but</p> <p>4 we always go up more and more and more.</p> <p>5 Q. Okay. Are they -- Is there any cash</p> <p>6 that they receive that they then pass along to</p> <p>7 other workers at the farm to pay them?</p> <p>8 A. Cash?</p> <p>9 Q. That's right.</p> <p>10 A. Are you trying to accuse us of -- of</p> <p>11 doing a crime now? Are you accusing me of doing</p> <p>12 a crime of cash?</p> <p>13 Q. I'm asking -- I'm asking a question.</p> <p>14 Let's start off with just the question. Do you</p> <p>15 pay them any more so that they can then pass</p> <p>16 that payment along to --</p> <p>17 A. Absolutely not.</p> <p>18 Q. -- to any other workers?</p> <p>19 A. Absolutely not. You think I'm going to</p> <p>20 go to jail or I'm going to do something like</p> <p>21 that? Are you crazy? Don't accuse me of a</p> <p>22 crime.</p> <p>23 Q. I'm asking questions, sir. And it's</p> <p>24 fine if the answer is no, but I just need to</p> <p>25 explore this.</p>	<p style="text-align: right;">Page 212</p> <p>1 A. Absolutely not.</p> <p>2 Q. Okay. So just to be clear, are there</p> <p>3 specific reasons these persons were paid more</p> <p>4 over time --</p> <p>5 A. Just like I said.</p> <p>6 Q. -- compared to others?</p> <p>7 A. Just skill set.</p> <p>8 Q. Just skill set? What's the specific</p> <p>9 skill set that [REDACTED] brings to the table that</p> <p>10 others don't? We'll start there.</p> <p>11 A. He can weld.</p> <p>12 Q. Okay. Good. What about -- Anything</p> <p>13 else for [REDACTED]</p> <p>14 A. All kinds of things.</p> <p>15 Q. Okay. What else?</p> <p>16 A. He can -- He can do just about</p> <p>17 anything.</p> <p>18 Q. Okay. What about [REDACTED]</p> <p>19 A. Same thing. He was -- He's -- He's a</p> <p>20 very skilled employee. He has lots of</p> <p>21 knowledge. They grew up knowing dairy. They</p> <p>22 know cows. They have a very specific skill set.</p> <p>23 Even though corporations and</p> <p>24 people like you think that we're not skilled and</p> <p>25 that these people that -- that just because they</p>
<p style="text-align: right;">Page 211</p> <p>1 A. Yeah.</p> <p>2 Q. You are aware that you brought a</p> <p>3 defamation suit alleged -- demanding \$20 million</p> <p>4 in damages for harm to your reputation; right?</p> <p>5 MR. BISS: What does that have to</p> <p>6 do with anything?</p> <p>7 MR. BOYER: Well, I think it's</p> <p>8 fair -- the point is that it's fair to ask these</p> <p>9 questions about their employment practices</p> <p>10 because it's been put at issue.</p> <p>11 MR. BISS: And it's -- And it's</p> <p>12 fair for him to respond and ask you to ask</p> <p>13 questions and not make false accusations.</p> <p>14 MR. BOYER: Yeah.</p> <p>15 A. That's the whole reason this whole</p> <p>16 thing came up. It was false all the way along.</p> <p>17 Q. I see.</p> <p>18 A. Lizza comes out and writes all this</p> <p>19 stuff, all these falsehoods, and then you're --</p> <p>20 now you're trying to defend this? That's --</p> <p>21 That's not ethical.</p> <p>22 Q. Very well. Have you ever heard of any</p> <p>23 supervisors in the agriculture industry selling</p> <p>24 IDs or Social Security cards to workers so that</p> <p>25 they can satisfy I-9 requirements?</p>	<p style="text-align: right;">Page 213</p> <p>1 don't speak English, that they're -- they're</p> <p>2 some kind of lesser people, they're not.</p> <p>3 They're very skilled people and very smart</p> <p>4 individuals. Maybe that's why they get paid</p> <p>5 more. There's always some reason why somebody</p> <p>6 gets paid more than somebody else.</p> <p>7 Q. Okay. You know, that's a perfectly</p> <p>8 fine answer.</p> <p>9 A. But to come up and say that we pay cash</p> <p>10 for something illegal is absolutely asinine.</p> <p>11 Q. Okay. What about Mr. --</p> <p>12 A. I'm a standup individual.</p> <p>13 Q. I would --</p> <p>14 A. We do everything honest and</p> <p>15 straightforward. I have to -- if I do</p> <p>16 something -- if I do something wrong, I have to</p> <p>17 respond to God. And God will take care of me.</p> <p>18 I don't -- I don't do nothing wrong.</p> <p>19 MR. BOYER: Okay. What was my</p> <p>20 last question? I'm sorry.</p> <p>21 (Requested portion of the record</p> <p>22 was read.)</p> <p>23 Q. What about [REDACTED]?</p> <p>24 A. Very skilled employee.</p> <p>25 Q. Okay. Anything in particular that he</p>

54 (Pages 210 - 213)

<p style="text-align: right;">Page 214</p> <p>1 does for the farm?</p> <p>2 A. Yeah. He knows how to heat detect and</p> <p>3 artificial insemination.</p> <p>4 Q. Okay.</p> <p>5 MR. BISS: You would agree that's</p> <p>6 a particularly interesting skill set.</p> <p>7 MR. BOYER: Well, it's certainly</p> <p>8 important to be done, no doubt about it.</p> <p>9 Let's mark this as number 20.</p> <p>10 (Exhibit 20 was marked for</p> <p>11 identification by the reporter.)</p> <p>12 A. Am I done with number 19?</p> <p>13 Q. You can move 19 aside.</p> <p>14 A. Thank you.</p> <p>15 Q. So you've been handed a document that</p> <p>16 has been marked as Defendants' Exhibit 20.</p> <p>17 Let's start with the I-9 form here. This is the</p> <p>18 I-9 form for [REDACTED]; right?</p> <p>19 A. That's what it says.</p> <p>20 Q. All right. First of all, up near the</p> <p>21 top I see his Social Security -- there's a</p> <p>22 Social Security number that's written and then</p> <p>23 crossed out there. Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know why that happened?</p>	<p style="text-align: right;">Page 216</p> <p>1 know.</p> <p>2 Q. Down right below it says "A noncitizen</p> <p>3 national of the United States." Do you see that</p> <p>4 checked?</p> <p>5 A. Okay.</p> <p>6 Q. We talked about this before. And</p> <p>7 that's a very limited set of people from places</p> <p>8 like the Swain Islands. Do you recall me</p> <p>9 mentioning that?</p> <p>10 A. Yeah.</p> <p>11 Q. Take a look at [REDACTED]</p> <p>12 identification card on PX681. This is an alien</p> <p>13 registration card; right?</p> <p>14 A. A permanent resident card?</p> <p>15 Q. It's a permanent resident card; right?</p> <p>16 A. Okay.</p> <p>17 Q. And it says he's from Mexico; correct?</p> <p>18 A. I don't know. Where does it say that?</p> <p>19 Q. It says "Country of Birth: Mexico."</p> <p>20 A. Oh, yeah. Right there. Okay.</p> <p>21 Q. Okay. So he's not a noncitizen</p> <p>22 national of the United States; right?</p> <p>23 A. Okay. He's not a -- whatever you said</p> <p>24 he's not, yeah.</p> <p>25 Q. Okay. You -- Got it. Also, I noticed</p>
<p style="text-align: right;">Page 215</p> <p>1 A. I have no idea.</p> <p>2 Q. Okay. Do you know who crossed it out?</p> <p>3 A. Nope.</p> <p>4 Q. Over by the side on the left there's a</p> <p>5 little initial there that says -- it appears to</p> <p>6 be LN with an underline on that. Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Is that Lori's initials?</p> <p>10 A. It appears to be.</p> <p>11 Q. Okay. Would that indicate that she was</p> <p>12 the one who actually filled this out?</p> <p>13 MR. BISS: Object to the form.</p> <p>14 Q. Do you know why she initialed it?</p> <p>15 A. Maybe there was a correction done.</p> <p>16 Q. Okay.</p> <p>17 A. You have to initial the -- if there's a</p> <p>18 correction, you've got to initial it.</p> <p>19 Q. Okay.</p> <p>20 A. There could have been an issue with the</p> <p>21 paperwork, a clerical error or something.</p> <p>22 Q. All right. But you don't -- you don't</p> <p>23 personally know why she did it. I'd have to</p> <p>24 talk to Lori?</p> <p>25 A. No. You'd have to ask Lori. I don't</p>	<p style="text-align: right;">Page 217</p> <p>1 that he signed this. You'll see in the top in</p> <p>2 Section 1 he signed it in February of 2013; is</p> <p>3 that correct?</p> <p>4 A. That's what it says.</p> <p>5 Q. And below it certifies that he started</p> <p>6 his employment in August of 2008. Do you see</p> <p>7 down where it says "Certification" and the start</p> <p>8 employee began employment?</p> <p>9 A. Say that again. Where -- Where at?</p> <p>10 Q. Right. So down where -- do you see</p> <p>11 where it says "Certification"? We'll start</p> <p>12 there.</p> <p>13 A. Okay. Yeah.</p> <p>14 Q. And then there's a line there where it</p> <p>15 says "The employee began employment on" and then</p> <p>16 it has a date. Do you see that?</p> <p>17 A. Okay.</p> <p>18 Q. And the date is August 4th, 2008;</p> <p>19 right?</p> <p>20 A. Okay.</p> <p>21 Q. Is that correct? That's what it says;</p> <p>22 right?</p> <p>23 A. That's what it says.</p> <p>24 Q. Okay. So [REDACTED] started his</p> <p>25 employment in August of 2008, but he didn't sign</p>

55 (Pages 214 - 217)

<p style="text-align: right;">Page 218</p> <p>1 or fill out this -- he didn't sign this form 2 until February 28th of 2013; right? 3 A. I don't know. Maybe -- Maybe there's 4 something lost. Maybe -- I don't know. I'm not 5 sure. I can't answer that question. It looks 6 like Lori would probably know better than I 7 would because it's on there, her initial. 8 Q. Okay. So you don't -- you can't 9 explain why? 10 A. I can't explain why, no. 11 Q. Okay. And then down below, you sign 12 this as the manager -- you certify this as the 13 manager of NuStar Farms, but not until November 14 of 2018. 15 A. Right. After -- See that? That 16 section wasn't filled out until after the 17 attorney looked -- looked at it. 18 Q. Got it. Over in the IDs -- I want you 19 to turn to the ID page. So a couple of things 20 to note. First of all, I have a question. It 21 says up at the top start August 6th, 2008, at 22 \$80; is that right? 23 A. Okay. 24 Q. What's that a reference to? 25 A. It says he started at \$80.</p>	<p style="text-align: right;">Page 220</p> <p>1 that when you just took something over like 2 that. 3 Q. Got it. Okay. Take a look as well at 4 a couple things of [REDACTED] card. So 5 first of all, the card expired on January 8th, 6 2018; right? 7 A. That's what it says. 8 Q. All right. So his work authorization, 9 as far as NuStar's records are concerned, 10 expired in November of -- excuse me -- expired 11 in January of 2018; right? 12 A. I -- I didn't know nothing about 13 expiration dates until you said something about 14 it. I didn't know there was any expirations on 15 here, but I do know that the immigration 16 attorney looked at all this paperwork and never 17 said nothing about it. So that's the second one 18 that she's seen and still never said nothing 19 about it. 20 Q. Got it. And that's what gives you 21 confidence that your records are well kept; 22 correct? 23 A. Absolutely. I mean, after she -- she 24 looked at it and she said that, yeah, that's -- 25 she never said that there was an issue, like,</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. \$80 for what? 2 A. For a shift. 3 Q. Oh, he was paid per shift or per hour? 4 A. This is by the -- It's -- The way we 5 pay is -- there's -- it's by the hour, but it's 6 shifts. 7 Q. Okay. 8 A. So there's -- it still goes to shifts. 9 It was all set up originally. They were on a 10 different pay period -- different pay, so -- 11 Sibley Dairy was to NuStar Farms. So what we 12 did, instead of having confusion, we just took 13 whatever they had and went over, and then we 14 just never adopted over to -- everybody still 15 gets paid by the hour, but you just divide the 16 hours by the shift, which are eight-hour shifts. 17 Q. I see. 18 A. Which they -- they put down. 19 Q. Got it. Okay. 20 A. That's originally from the other dairy. 21 It was just something so there was a transition 22 period where there was no issues. Because you 23 don't want -- you don't want somebody going "Oh, 24 well, I'm getting paid different. I don't know 25 what I'm" -- you don't want to have to deal with</p>	<p style="text-align: right;">Page 221</p> <p>1 "Oh, you need to update that." I mean, I would 2 hope that an immigration attorney would go, 3 "Hey, his card is expired. We've got a problem 4 here." 5 Q. Right. 6 A. I would assume she's competent. 7 Q. Let's take a look at another one. 8 (Exhibit 21 was marked for 9 identification by the reporter.) 10 Q. Mr. Nunes, you're being handed a 11 document that has been marked as Defendants' 12 Exhibit 21. So, Mr. Nunes, this is the -- this 13 appears to be the I-9 form plus supporting 14 documentation for [REDACTED] 15 [REDACTED] correct? 16 A. That's what it says. 17 Q. All right. So let's take a look at 18 this one here. So first of all, taking a look 19 at the I-9, he selects that he's a lawful 20 permanent resident; correct? 21 A. Okay. 22 Q. All right. And he writes an 23 eight-digit number that starts with 108. Do you 24 see that? 25 A. Yes.</p>

56 (Pages 218 - 221)

<p style="text-align: right;">Page 222</p> <p>1 Q. If you look at the card that he 2 presented at the time of his hire -- because 3 just to be clear, these cards that are on PX692, 4 these are, as always, the cards he presents at 5 the time of hire; right? 6 A. Say that again. 7 Q. This is a scan of the cards he presents 8 at the time he was hired; right? 9 A. Yep. 10 Q. Yep. It says that the alien 11 registration number is a nine-digit number 12 ending in [REDACTED]. Do you see that? 13 A. Okay. 14 Q. Okay. So just to be clear, [REDACTED] 15 [REDACTED] completed the I-9 form writing a 16 different alien registration number than the one 17 that is on the card he submitted; correct? 18 A. It appears to be that way. 19 Q. And NuStar accepted that; correct? 20 A. I can't ask them too many questions 21 about cards. 22 Q. Got it. You can't -- Even if you were 23 to -- your position is even -- 24 A. I didn't fill that out. I didn't fill 25 that out. I can't ask too many questions.</p>	<p style="text-align: right;">Page 224</p> <p>1 permanent resident? 2 MR. BISS: Object to the form. 3 Argumentative. 4 A. I don't know. I don't know how they 5 get cards. I never had to get one. 6 Q. Okay. So just to be clear, you have no 7 idea -- do you understand that the permanent 8 resident card is -- Let me strike that. 9 Have you heard of the permanent 10 resident cards referred to as green cards? 11 A. There's an old term -- they used to be 12 green, and they look like a Social Security 13 card. 14 Q. Right. And are you -- are you aware 15 that you are given a permanent resident card 16 after being granted legal permanent resident 17 status? 18 A. You know, I don't know how -- once 19 again, I don't know how they get cards. I've 20 never had to do it. 21 Q. All right. Okay. 22 A. I'm not -- I milk cows. I'm not -- I'm 23 not an immigration attorney. I don't understand 24 that stuff. But I did have an immigration 25 attorney look at it, because I am smart enough</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. But you reviewed it; right? 2 A. And also so did -- And on top of that, 3 so did the immigration attorney. 4 Q. Got it. And she was perfectly fine 5 with it? 6 A. Obviously there was something right 7 about it. I don't know. 8 Q. Okay. Also, take a look at his 9 permanent resident card again, while we're -- 10 while we're focused on it. So you'll notice 11 that it says on the card he has been a resident 12 since January of 2004; right? 13 A. Okay. 14 Q. All right. So [REDACTED], 15 this card -- this card obviously was therefore 16 issued after -- on or after January of 2004; 17 right? 18 A. I don't know. 19 Q. Well, you don't get a permanent 20 resident card before you're a permanent 21 resident; right? 22 MR. BISS: Object to the form. 23 A. I don't know. 24 Q. It's possible to get a permanent 25 resident card and you're actually not a</p>	<p style="text-align: right;">Page 225</p> <p>1 to do that. 2 Q. Got it. And she was perfectly fine 3 with this; right? 4 A. Apparently. Because she looked at 5 them. 6 Q. By the way, this card expired in 2015; 7 correct? 8 A. Where is it at? 9 Q. It says card expires December -- 10 A. That's what it says. 11 Q. Yeah. We already talked about this, 12 that you haven't gone and asked for a new one. 13 A. Once again -- 14 Q. Right? 15 A. -- an immigration attorney looked at 16 it, and she verified it. 17 That's all I could do. I'm 18 not -- I'm not an immigration attorney. 19 Q. Gotcha. While we're looking at these, 20 take a look at the Social Security card too 21 right above. 22 A. Okay. 23 Q. Does anything look odd about it to you? 24 A. No. 25 Q. Do you notice that the USA is off</p>

57 (Pages 222 - 225)

<p style="text-align: right;">Page 226</p> <p>1 center on that Social Security card?</p> <p>2 MR. BISS: Object to the form.</p> <p>3 A. Okay. If you say so.</p> <p>4 Q. Well, it's not -- I mean, normally it's</p> <p>5 centered. I mean, you've -- you've reviewed</p> <p>6 hundreds of these Social Security cards before;</p> <p>7 right?</p> <p>8 A. Okay. Yeah.</p> <p>9 Q. Well, have you?</p> <p>10 A. I looked at these, yes.</p> <p>11 Q. Right. And it's -- And the USA in the</p> <p>12 logo is not pushed to the right relative to</p> <p>13 point center as this one is; right?</p> <p>14 A. I don't see it, man.</p> <p>15 Q. It looks totally --</p> <p>16 A. I don't know what you're -- you're</p> <p>17 getting real technical on something that I</p> <p>18 don't -- I don't see it.</p> <p>19 Q. Okay.</p> <p>20 A. I mean, I'm not an artist by no means,</p> <p>21 and I don't do that. I milk cows for a living.</p> <p>22 I don't -- I don't do artist stuff. I don't --</p> <p>23 I don't know the --</p> <p>24 Q. Got it. So we -- we just talked about</p> <p>25 five current employees, all of whom have been --</p>	<p style="text-align: right;">Page 228</p> <p>1 were going to go to court.</p> <p>2 Q. Okay. That's how you framed it to him,</p> <p>3 a date he's got to go to court?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. What did he say?</p> <p>6 A. He asked, he goes, "Well, what do I --</p> <p>7 what do we have to do this for?"</p> <p>8 I said, "Well, they wrote an</p> <p>9 article."</p> <p>10 He said, "Oh, the ones that said</p> <p>11 we're all bad people?"</p> <p>12 And I said, "Yeah, that's the</p> <p>13 one."</p> <p>14 Q. Got it. Anything else happen in that</p> <p>15 conversation?</p> <p>16 A. (Shaking head.)</p> <p>17 Q. [REDACTED], what did you</p> <p>18 say to --</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. [REDACTED]?</p> <p>21 A. Yeah, same thing. "You've got to go to</p> <p>22 court."</p> <p>23 He said the same thing. He's</p> <p>24 like, "Oh, you've got to -- Oh, about the</p> <p>25 article?"</p>
<p style="text-align: right;">Page 227</p> <p>1 or five of the six persons who have been noticed</p> <p>2 for their depositions in this case. Have you</p> <p>3 spoken to -- Well, strike that.</p> <p>4 We talked earlier about how you</p> <p>5 had a brief conversation with [REDACTED] before his</p> <p>6 deposition saying "You've got to go to the</p> <p>7 deposition"; right?</p> <p>8 A. There's going to be depositions.</p> <p>9 Q. Yes. And then after his deposition you</p> <p>10 had a conversation with --</p> <p>11 A. I said, "How did it go?"</p> <p>12 Q. Right.</p> <p>13 A. And he said -- I think he said they --</p> <p>14 they stopped.</p> <p>15 Q. Have you talked about their depositions</p> <p>16 with any of the other persons who have been</p> <p>17 deposed?</p> <p>18 A. I never have talked -- I've never</p> <p>19 talked -- Say that again.</p> <p>20 Q. Sure. Let's do them one --</p> <p>21 A. I had to explain -- I had to tell them</p> <p>22 there was a date.</p> <p>23 Q. Got it. Okay. So like [REDACTED],</p> <p>24 what have you said to [REDACTED] about it?</p> <p>25 A. That they had to have a date that they</p>	<p style="text-align: right;">Page 229</p> <p>1 "Yeah."</p> <p>2 Q. Got it. [REDACTED] Did they -- Did</p> <p>3 they read the article, by the way?</p> <p>4 A. I have no idea.</p> <p>5 Q. [REDACTED], did you have a</p> <p>6 conversation with him about his deposition?</p> <p>7 A. I don't know if I talked to him or not.</p> <p>8 Q. Okay.</p> <p>9 A. I don't recall.</p> <p>10 Q. [REDACTED] I believe it is?</p> <p>11 A. Yep.</p> <p>12 Q. Did you talk to him?</p> <p>13 A. Yep. I told him there was a date and</p> <p>14 he's going to go to court.</p> <p>15 Q. Okay. And what did he say?</p> <p>16 A. He didn't say anything, really. He</p> <p>17 just said, "Okay."</p> <p>18 Q. Okay. And that was the end of the</p> <p>19 conversation?</p> <p>20 A. That's what he said, yeah. It was</p> <p>21 pretty cut and dry.</p> <p>22 Q. All right. So I want to ask briefly</p> <p>23 about Hermelinda Montez. Do you know who that</p> <p>24 person is?</p> <p>25 MR. BOYER: You can mark this.</p>

58 (Pages 226 - 229)

<p style="text-align: right;">Page 230</p> <p>1 (Exhibit 22 was marked for 2 identification by the reporter.) 3 Q. I've handed you a document that's been 4 marked as Defendants' 24. 5 A. Say that again. 6 Q. I've handed you a document that has 7 been marked as Defendants' Exhibit 24. My -- 8 A. 22. 9 Q. Oh, my goodness. You're right. Thank 10 you. Apologies. 11 I have handed you a document that 12 has been marked as Defendants' Exhibit 22. So 13 Defendants' 22, the preparer or the translator 14 at the bottom is somebody named Hermelinda 15 Montez; right? 16 A. That's what it says. 17 Q. All right. Do you know who she is? 18 A. No. 19 Q. Okay. Does she have any affiliation to 20 NuStar, as far as you know? 21 A. I don't think so. 22 Q. You've never heard of the name before, 23 or have you? 24 A. Hermelinda? No, I don't -- I don't 25 recall.</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Do you remember [REDACTED]? 2 A. I can't say that I do. 3 Q. Okay. So why don't you take -- Just to 4 kind of focus a little bit, why don't you take a 5 look at the photograph of [REDACTED] on 6 his ID on page -- on PX3196. Do you see that? 7 A. Okay. 8 Q. Do you recognize him? 9 A. No. 10 Q. Okay. He worked for you for a few 11 years; right? 12 A. I have no idea. I still don't 13 recognize him. I don't know. 14 Q. You still don't know? Okay. 15 One second. Give me -- Give me 16 just ten seconds here. Okay? 17 Would somebody -- I'll put this 18 back on. Would someone else perhaps know [REDACTED] 19 [REDACTED] on the farm? Like would Lori know 20 him -- know him? 21 MR. BISS: Object to the form. 22 A. Don't know. 23 Q. Don't know? I mean, who deals with -- 24 who among the Nuneses ends up interacting with 25 the workers most frequently?</p>
<p style="text-align: right;">Page 231</p> <p>1 Q. Okay. Okay. Let's take a look at the 2 IDs on -- while we're taking a look at this 3 gentleman's I-9. 4 A. ID or I-9? 5 Q. Take a look at the ID, which starts on 6 PX3004. I take it -- Take a look at the font on 7 the Social Security card. Does that strike you 8 as odd in any way, unusual font? 9 A. Not necessarily. 10 Q. Does it somewhat strike you as an 11 unusual font to see on a Social Security card? 12 MR. BISS: Asked and answered. 13 Q. Well, you said "not necessarily." Does 14 it in any way strike you as unusual? 15 A. I don't -- I don't see anything. 16 Q. Okay. Have you ever seen a Social 17 Security card with that font before? 18 A. I can't say that. 19 Q. Okay. 20 A. I don't know. 21 Q. All right. You can set that aside. 22 Let's talk about a gentleman named [REDACTED] 23 [REDACTED] 24 (Exhibit 23 was marked for 25 identification by the reporter.)</p>	<p style="text-align: right;">Page 233</p> <p>1 A. I do. 2 Q. You do? So is it fair to say if 3 anybody knew him it would probably be you? 4 A. That's correct. 5 Q. Okay. Why don't we then focus on this. 6 So taking a look at his I-9, it states here in 7 the certification part of the I-9 -- so go back 8 to the I-9 itself, it says that he started in 9 November of 2014; correct? 10 A. Okay. 11 Q. Right. You see that down there. 12 That's when he started; right? 13 A. Where it says employee's signature and 14 it says 11-4-2014; is that correct? 15 Q. That is not where I'm pointing at, but 16 that's also a good point. He signed this I-9 on 17 11-4-2014; right? 18 A. Okay. 19 Q. And I'm looking down where it says 20 "Certification." 21 A. Okay. 22 Q. And there's a date there for the date 23 he began employment. And it's that same day, 24 11-4-2014; right? 25 A. Okay.</p>

59 (Pages 230 - 233)

<p style="text-align: right;">Page 234</p> <p>1 Q. Okay. And again, he selects -- do you 2 see above he selects that he's a lawful 3 permanent resident? Correct? 4 A. That's what he marked. 5 Q. And as you always do, when he presented 6 you with a card, you made a copy and a scan of 7 his cards; right? 8 A. That's correct. 9 Q. There we go. Now, take a look at his 10 lawful permanent resident card on page 3196. 11 A. Okay. 12 Q. It says his birth date is [REDACTED] 13 [REDACTED] right? 14 A. That's what it says. 15 Q. Yeah. It says his country of birth is 16 Mexico; right? 17 A. Okay. 18 Q. A resident -- And it says he's a 19 resident since January 27th of 2014; right? 20 It's on the card. 21 A. Okay. 22 Q. Yep. And it says -- And if you look at 23 his Social Security card, he has a Social 24 Security card that ends in [REDACTED]; right? 25 A. That's what it says.</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. You think -- Oh, you think they look 2 different? 3 A. I do, yeah. 4 Q. Okay. Take a look at the date of 5 birth. They have the same date of birth, 6 [REDACTED]. 7 A. Okay. 8 Q. Okay. So we have two different -- 9 you're saying we have two different [REDACTED] 10 [REDACTED] that happen to have been born on the 11 same day? You were never aware of the fact that 12 your firm employed two different people with the 13 same exact name with the same exact birthday? 14 A. No. Why would I? 15 Q. Okay. If we were to check the payroll 16 records, would we find two different [REDACTED] 17 [REDACTED] or do you think we could only 18 find one? 19 A. You have the -- You have -- You have 20 all the information. You have workforce 21 development. Do you have that? 22 Q. Yeah. We'll pull up the -- 23 A. So did it answer your question? 24 Q. Yeah. We'll pull up the 2015 records 25 when we get a chance just to check this out. So</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. Okay. And why don't you take a look 2 at -- Actually, hold on a second. 3 And if I were to tell you that he 4 worked for you until 2017, would -- I guess it 5 doesn't ring any bells because you don't 6 remember him at all; is that right? 7 A. That's correct. 8 Q. Okay. All right. So now keep that one 9 handy, actually. Let me show you another one. 10 We'll mark it as Defendants' 24. 11 (Exhibit 24 was marked for 12 identification by the reporter.) 13 Q. All right. You have been handed a 14 document that has been marked as Defendants' 15 Exhibit 24. Okay. So this appears to be 16 another I-9 form filled out by [REDACTED] 17 [REDACTED]; right? 18 A. That's the name, yes. 19 Q. All right. And go and take a look at 20 the -- go ahead and take a look at the photo of 21 [REDACTED]. Right? 22 A. Okay. 23 Q. Okay. And it looks like the photo of 24 the same person on the other one; right? 25 A. No.</p>	<p style="text-align: right;">Page 237</p> <p>1 how about this? How about we table this. We'll 2 take it out -- We'll take a look at it and -- 3 A. All right. 4 Q. Because you're saying it's possible 5 there might have been two [REDACTED] 6 [REDACTED]. 7 A. I don't know. I mean, obviously 8 they're different ones. I mean, those two 9 people aren't the same to me. I have no idea. 10 I mean, it's very possible. 11 Q. All right. Tell you what, let's set 12 aside 24 and 25. 13 A. 23 and 24? 14 Q. Excuse me. 23 and 24. Thank you. 15 A. Okay. 16 Q. Okay. 17 MR. BOYER: This is 25. 18 (Exhibit 25 was marked for 19 identification by the reporter.) 20 Q. Mr. Nunes, you've been handed a 21 document that's been marked as Defendants' 22 Exhibit 25. Do you recall a person who worked 23 for you by the name of [REDACTED]? 24 A. Nope. 25 Q. Okay.</p>

60 (Pages 234 - 237)

<p style="text-align: right;">Page 238</p> <p>1 A. How long was he employed for us?</p> <p>2 MR. BISS: Nate, do you have a</p> <p>3 copy of that for me?</p> <p>4 MR. BOYER: Oh, sorry. Of</p> <p>5 course.</p> <p>6 A. Do you know how long he was employed?</p> <p>7 Q. Well, we can -- we can check. I don't</p> <p>8 know off the top of my head. One thing I want</p> <p>9 to -- I want to just ask a question, a fairly</p> <p>10 discrete question about these documents. Take a</p> <p>11 look -- Well, first of all, as an initial</p> <p>12 matter, look at the I-9. And the certification</p> <p>13 is just not completed at all; correct?</p> <p>14 A. Okay.</p> <p>15 Q. All right. Well, it's correct? It</p> <p>16 hasn't been completed; right?</p> <p>17 A. I'll agree with that.</p> <p>18 Q. All right. So NuStar did not certify</p> <p>19 the authenticity of the documents that were</p> <p>20 presented; right?</p> <p>21 A. That's not necessarily true.</p> <p>22 Q. Well, it didn't complete the</p> <p>23 certification regarding their authenticity;</p> <p>24 right?</p> <p>25 A. The paperwork just wasn't finished.</p>	<p style="text-align: right;">Page 240</p> <p>1 A. But we do have copies of all of his</p> <p>2 cards. That -- That protocol never changed.</p> <p>3 Q. Got it. So earlier we talked about</p> <p>4 whether your protocol with regards to I-9s has</p> <p>5 changed over the years. Remember we had -- I</p> <p>6 asked you what about in 2007, 2010 --</p> <p>7 A. No. No. They still have never</p> <p>8 changed. We still always -- Like I said before,</p> <p>9 we still always get both forms of ID no matter</p> <p>10 what. Now, if there was a clerical error where</p> <p>11 something got not printed, that's -- that is --</p> <p>12 that's a clerical error, but that has nothing to</p> <p>13 do with receiving these cards. We still had it,</p> <p>14 and that's what we're required to do.</p> <p>15 Q. Got it. But -- And you certainly --</p> <p>16 you definitely reviewed the cards when he</p> <p>17 presented them to you; right?</p> <p>18 A. You have the cards, you review them.</p> <p>19 Q. You review them and you -- to make sure</p> <p>20 they're authentic; right?</p> <p>21 A. That's what we're supposed to do.</p> <p>22 Q. Okay. Take a look at [REDACTED]</p> <p>23 [REDACTED] identification card and in particular</p> <p>24 what it says at the top. Do you see it?</p> <p>25 A. What, Texas?</p>
<p style="text-align: right;">Page 239</p> <p>1 Q. Okay. So this was just a paperwork</p> <p>2 problem? You just didn't finish the paperwork?</p> <p>3 A. It looks like a clerical error to me,</p> <p>4 that there was something not there. You have</p> <p>5 copies of his IDs.</p> <p>6 Q. How long -- How often did that clerical</p> <p>7 error happen, where you didn't complete the</p> <p>8 certification?</p> <p>9 A. The -- The section here?</p> <p>10 Q. Yes. The employer's section.</p> <p>11 A. There was some of them, because I</p> <p>12 didn't realize we had to -- we had to do that.</p> <p>13 I thought it was just an employee form, just</p> <p>14 like the W-4, you just -- you just turn it in.</p> <p>15 Q. Okay.</p> <p>16 A. There could have been -- after -- I</p> <p>17 think after Amanda came, then we -- we did it.</p> <p>18 You know, you did some, you didn't do some. I</p> <p>19 don't know how that -- I don't recall how that</p> <p>20 worked, but I do know everything now is exactly</p> <p>21 right.</p> <p>22 Q. Got it.</p> <p>23 A. Because if we -- you know, with this</p> <p>24 not being signed, we'd get fined for that.</p> <p>25 Q. Yeah, so early --</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Texas and then right below it. Can you</p> <p>2 read the line right below it?</p> <p>3 A. "Department of Public Safety."</p> <p>4 Q. Safety.</p> <p>5 A. Okay.</p> <p>6 Q. Do you know what -- Do you know what</p> <p>7 the Department of Public Safety is?</p> <p>8 A. I have no idea.</p> <p>9 Q. All right. This is obviously a</p> <p>10 typographical error. It was meant to be the</p> <p>11 Department of Public Safety; correct?</p> <p>12 A. I have no idea.</p> <p>13 Q. All right. Well, you have -- many of</p> <p>14 your IDs on file are issued by the Texas</p> <p>15 Department of Public Safety; right?</p> <p>16 A. There's a lot of them that are from</p> <p>17 Texas.</p> <p>18 Q. Right. And that's the Texas -- and</p> <p>19 those IDs say the Texas Department of Safety;</p> <p>20 right?</p> <p>21 A. Okay. So --</p> <p>22 Q. So somebody presents you with a</p> <p>23 document that says it's from the Texas</p> <p>24 Department of Public Safety, and you accept it?</p> <p>25 MR. BISS: Object to the form.</p>

61 (Pages 238 - 241)

<p style="text-align: right;">Page 242</p> <p>1 A. How do you -- I looked at that ID, his 2 photo matched up with his Social Security card. 3 Did I read every little bit of that? No. I -- 4 you know, you -- you scoured over this. You're 5 looking at this. There's things that you may 6 not see. I'm not a -- you know, I may have read 7 it proper, maybe. Is it correct? No, it's not 8 correct. I'll agree with you. But did I read 9 it properly when -- when I seen it? Maybe I 10 read it that it was correct. Sometimes you just 11 do that. 12 Q. Okay. 13 A. But to know that it's a false idea, I 14 would have never -- I would have never guessed 15 that when I probably looked at it. There was 16 never -- never any clue. 17 Q. So just to break it down, do you recall 18 seeing -- when you reviewed this -- 19 A. Never, until you just pointed it out. 20 Q. Okay. So I'm -- So this is the first 21 time you're realizing that the ID says "Texas 22 Department of Public Safety"? Is that what 23 you're saying? 24 A. That's what I'm saying. 25 Q. Okay. Well, now you would agree with</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. Okay. 2 A. Now, if you want to nitpick and look at 3 it going, "Oh, well, this," and say, "Oh, well, 4 you guys didn't read that right," that's not -- 5 don't -- don't accuse us of being frauds and -- 6 and hateful individuals, that we're doing 7 something wrong. Unlike Mr. Lizza and the 8 Hearst Corp. that -- that goes out and spews bad 9 things towards us and everybody in the community 10 about us. 11 MR. BOYER: I'm sorry, what was 12 my question? 13 (Requested portion of the record 14 was read.) 15 A. I never seen that. 16 Q. You did -- You did not see that at the 17 time it was presented? 18 A. Until -- Until just now. 19 Q. Okay. So now I'm asking a question of 20 what would NuStar's practice be if it was 21 presented with a document that it saw said 22 "Texas Department of Public Safety"? 23 A. Well, they would -- You can't -- If 24 it's a fake ID, you can't take it. 25 Q. Okay. Would NuStar have identified</p>
<p style="text-align: right;">Page 243</p> <p>1 me that it is obviously a forgery; right? 2 MR. BISS: Object to the form. 3 A. I -- At the time it looked correct. 4 Q. I know. But as you're looking at it 5 now, you would agree with me that if somebody 6 were to -- 7 A. There's a -- There's a -- I can't say 8 that. There's an error on there. I don't know. 9 Q. Right. 10 A. I don't know where -- I don't know how 11 Texas or where it does. I can't answer that. 12 Q. So if it says "Department of Public 13 Safety," you very well may have accepted it 14 anyway; right? 15 A. There's -- 16 MR. BISS: Object to the form. 17 A. Don't -- Don't accuse me again of 18 being -- doing illegal things, because we don't 19 do that. We're honest people. 20 Q. Okay. 21 A. Now, if there was some little minor 22 error that we didn't notice, that I didn't 23 notice, that's very possible. To me, the card 24 looked right. And that's what I'm required to 25 do.</p>	<p style="text-align: right;">Page 245</p> <p>1 this as a fake ID? 2 A. Obviously I did not notice it. Yes. 3 Q. I know you didn't, but now I'm 4 saying -- now -- now I want you -- now I want to 5 say NuStar's practices. Okay? If NuStar -- 6 Wearing your NuStar hat; right? 7 A. Okay. 8 Q. If it is presented with a document that 9 says "Texas Department of Public Safety" and it 10 realizes it, but when you -- 11 A. Yeah, you would have to call -- 12 (Court reporter interruption.) 13 Q. If NuStar is presented with a document 14 that says "Texas Department of Public Safety" 15 and it recognizes that on the document at the 16 time it's presented, what would NuStar do? 17 MR. BISS: You're asking him a 18 hypothetical; right? 19 MR. BOYER: I'm asking him about 20 NuStar's practices. I don't think it's 21 hypothetical. 22 MR. BISS: Okay. He's asking a 23 hypothetical. 24 MR. BOYER: You can object to 25 form.</p>

62 (Pages 242 - 245)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 246</p> <p>1 MR. BISS: Do you understand 2 that? 3 THE WITNESS: What if? 4 MR. BISS: Yeah. What if? 5 A. Yeah. I don't -- What if? I've never 6 had one before. I've never had one before 7 where -- Okay. So this one says it, but I 8 didn't catch it. I'm not the police. I 9 don't -- I don't get four-year degrees in trying 10 to find out a forgery. We're not the FBI. I 11 milk cows. I looked at the ID, I thought it was 12 correct, and that's what I went with. 13 Q. Okay. So how much time do you spend 14 looking at IDs when they come in? 15 A. I just look at them. 16 Q. I mean, I know, but for how long do you 17 look at them? 18 A. I look at them and go "Yep, this is 19 it." You look at the Social Security number, 20 does it match with what they wrote down, and 21 that's what we do. 22 Q. How long does that process take? 23 A. Not very long. 24 Q. A matter of seconds? 25 A. You look at the card, yes. So --</p>	<p style="text-align: right;">Page 248</p> <p>1 was read.) 2 Q. That's a question. Are you 3 scrutinizing it at all? 4 A. Yes. 5 Q. Okay. And when you scrutinize it, what 6 are you looking for? 7 A. You just look to make sure it's -- it's 8 a correct ID. I can't ask him if it was -- if 9 it said that, I -- legally I don't think I could 10 even ask him if that's -- if it's a legal card 11 or not. 12 Q. Got it. You just have to accept it. 13 You couldn't actually say, "Hey, this looks 14 wrong"? You couldn't -- You couldn't say that 15 to him. Is that your understanding? 16 A. I'm pretty sure, yes. 17 Q. Okay. 18 A. Now, if I legitimately think that it's 19 a bad card, yeah, I could say, "Hey, that's" -- 20 if I would have seen that, there's probably a 21 good chance it was like, "Hey, that's not -- 22 that's not something that's" -- that's 23 ridiculous; right? 24 Q. Okay. 25 A. But I didn't read it as that.</p>
<p style="text-align: right;">Page 247</p> <p>1 Q. Okay. 2 A. It would be seconds. 3 Q. Five seconds? 4 A. I'm not going to sit there for an hour 5 and look at it, no. 6 Q. I understand you're not sitting there 7 for an hour. Are you sitting there for a minute 8 looking at the card, taking 60 seconds and 9 analyzing it? 10 A. I look at the card. 11 Q. I'm asking you for the amount of 12 time you spend -- 13 A. I don't know. I don't know. I can't 14 answer your question. 15 Q. Okay. Well, give me just some sense, 16 because I just want to understand the extent to 17 which you're evaluating this for the 18 authenticity and trying to -- trying to 19 scrutinize it. Okay? Are you scrutinizing it 20 at all? We'll start there. 21 A. So once again, you're saying that I -- 22 I illegally hire people? 23 MR. BOYER: I'm sorry, what was 24 my question? 25 (Requested portion of the record</p>	<p style="text-align: right;">Page 249</p> <p>1 Q. So -- So again, I'm sorry, just to come 2 back to this, because I -- I want to get sort of 3 a -- it doesn't sound like you're spending too 4 much time with the cards, but I just honestly 5 want to know how much time you, on average, sort 6 of spend looking at a card to analyze it for 7 authenticity. 8 A. I look at the card. I don't -- I don't 9 understand your question. 10 Q. How long? It's not that complicated. 11 Just how long are you spending? That's all I 12 want to know. 13 A. I look at the card. Whatever that time 14 takes. You look at it here, and you flip it 15 over, you look at it, and you make photocopies. 16 Q. Okay. Are you looking at it for about 17 ten seconds? Is that fair? 18 MR. BISS: What card are we 19 talking about? 20 Q. Let's start with the ID. Not the 21 Social Security card. 22 A. Sure, ten seconds. 23 Q. Social Security card, are you looking 24 at it for ten seconds? 25 A. Sure.</p>

63 (Pages 246 - 249)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 64 of 105

App. 135

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 250</p> <p>1 Q. Okay.</p> <p>2 MR. BOYER: Fair enough time to</p> <p>3 take a break. We've got ten minutes left on the</p> <p>4 tape. I've got to pull up something to go back</p> <p>5 to other questions. Do you want to take a quick</p> <p>6 break?</p> <p>7 MR. BISS: Sure.</p> <p>8 MR. BOYER: All right.</p> <p>9 THE VIDEOGRAPHER: We are going</p> <p>10 off the record. This is the end of Media Unit</p> <p>11 Number 3. The time is 2:55.</p> <p>12 (A recess was taken.)</p> <p>13 THE VIDEOGRAPHER: We are back on</p> <p>14 the record. This is the beginning of Media Unit</p> <p>15 Number 4. The time is 3:07.</p> <p>16 (Exhibit 26 was marked for</p> <p>17 identification by the reporter.)</p> <p>18 Q. Mr. Nunes, you've been handed a</p> <p>19 document that's been marked as Defendants' --</p> <p>20 A. We're done with 25?</p> <p>21 Q. We're done with 25. You can set it</p> <p>22 aside. Yep.</p> <p>23 You've been handed a document</p> <p>24 that's been marked as Defendants' Exhibit 26.</p> <p>25 Do you remember [REDACTED] ?</p>	<p style="text-align: right;">Page 252</p> <p>1 A. I didn't prepare this paper. I don't</p> <p>2 know what those dates mean.</p> <p>3 Q. Okay.</p> <p>4 A. I don't know what the -- that date</p> <p>5 means.</p> <p>6 Q. Okay. Well, I mean, you are --</p> <p>7 A. It says dates, positions with NuStar.</p> <p>8 It could be a pay period or something.</p> <p>9 Q. Okay. I'm sorry, just to be clear,</p> <p>10 this is a certified interrogatory response on</p> <p>11 behalf of NuStar in which you're certifying that</p> <p>12 that's where he -- when he started and ended. I</p> <p>13 mean, do you have any --</p> <p>14 A. I didn't -- I didn't prepare the paper.</p> <p>15 Q. You personally did not prepare the</p> <p>16 paperwork; right?</p> <p>17 A. No.</p> <p>18 Q. You're NuStar's corporate</p> <p>19 representative; right? You're testifying on</p> <p>20 behalf of NuStar; right?</p> <p>21 A. Again, you're going to have to ask</p> <p>22 Lori. She prepared the paper, like you asked</p> <p>23 before.</p> <p>24 Q. All right. So let me ask you this</p> <p>25 then. Certainly -- As we've talked about</p>
<p style="text-align: right;">Page 251</p> <p>1 A. Nope.</p> <p>2 Q. Okay. So let's take a look at this</p> <p>3 particular one. So this document was -- on this</p> <p>4 document [REDACTED] signs it and dates it</p> <p>5 May 10th, 2012. Do you see that?</p> <p>6 A. Okay.</p> <p>7 Q. Okay. And, of course, I think it's --</p> <p>8 Lori Nunes is the one who signed the</p> <p>9 certification at the bottom of the page;</p> <p>10 correct?</p> <p>11 A. That's what it says.</p> <p>12 Q. Right. And why don't we actually</p> <p>13 double-check before we go any further, pull up</p> <p>14 Plaintiffs' -- sorry -- Defendants' Exhibit 9</p> <p>15 again, please. Defendants' 9, the one we were</p> <p>16 looking at earlier with the list of all</p> <p>17 employees.</p> <p>18 A. Oh, yeah. Right. Okay.</p> <p>19 Q. It has the start and end dates. What</p> <p>20 is the start date of [REDACTED] employment?</p> <p>21 Do you see it? It's May 21st of</p> <p>22 2012; correct?</p> <p>23 A. Okay.</p> <p>24 Q. All right. No. That -- That was his</p> <p>25 start date; right? May 21st of 2012; right?</p>	<p style="text-align: right;">Page 253</p> <p>1 before, you make sure that people return this</p> <p>2 paperwork as soon as possible, and you don't</p> <p>3 issue a paycheck until they do; right?</p> <p>4 A. That's correct.</p> <p>5 Q. All right. He signed this form and</p> <p>6 returned it on 5-10-2012. Do you see that?</p> <p>7 A. Okay.</p> <p>8 Q. Or he signed it on 5-10-2012. Do you</p> <p>9 see that?</p> <p>10 A. Yeah.</p> <p>11 Q. Okay. Now, go to his ID, the Minnesota</p> <p>12 identification card. Do you see it?</p> <p>13 A. Okay.</p> <p>14 Q. Do you see it expired on April 22nd,</p> <p>15 2012?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. So just to be clear, then,</p> <p>18 you've certified that he had a valid work</p> <p>19 authorization even though the work authorization</p> <p>20 document was expired?</p> <p>21 A. Yeah, I guess so. It's something that</p> <p>22 was missed, I guess.</p> <p>23 Q. Let's take a look at another one.</p> <p>24 A. I mean, it's -- I mean, that's pretty</p> <p>25 close. I mean, who knows? I don't recall. I</p>

64 (Pages 250 - 253)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 65 of 105

App. 136

<p style="text-align: right;">Page 254</p> <p>1 mean, could he have said, "Oh, I'm getting 2 another one" or something, you know? I don't 3 know. I mean, it's really close dates. 4 Q. Okay. 5 A. Only a couple days. 6 Q. And NuStar is okay with hiring them if 7 it's a close date? 8 A. Maybe it was missed. I don't know. It 9 could be a clerical deal. It just got missed. 10 MR. BOYER: Okay. You can mark 11 27. 12 A. I don't recall. 13 (Exhibit 27 was marked for 14 identification by the reporter.) 15 Q. You've been handed a document that's 16 been marked as Defendants' Exhibit 27. It 17 appears to be an I-9 form for somebody named 18 [REDACTED]. Do you see that? 19 A. Yes. 20 Q. Okay. Do you remember [REDACTED] 21 A. No. 22 Q. All right. He completes the I-9 form 23 on May 2nd, 2014; correct? 24 A. That's what it says. 25 Q. All right. And it was done through an</p>	<p style="text-align: right;">Page 256</p> <p>1 A. That's correct. 2 Q. Okay. 3 A. It wasn't needed. The government would 4 have never looked at these files. 5 Q. That's right. Because it was -- 6 A. They don't -- It's after the dates. 7 Q. That's right. It was more -- 8 A. I mean, they may have looked at it. I 9 don't know. They may have looked at it, but -- 10 but -- we -- we kept it, but that's why it's not 11 filled out. 12 Q. Got it. So now take a look at his 13 identification card, which is PX3223. This one 14 is also expired; right? On -- Strike that. 15 This identification card expired 16 on June 17th, 2013; right? 17 A. Where is that? Oh, right there. Okay. 18 Q. Yeah. So again -- So again, NuStar -- 19 A. Not willingly. I didn't willingly -- I 20 wouldn't willingly realize this was expired. I 21 didn't do it knowingly, I should say. Because 22 when did he start? Where was that at again? 23 When was [REDACTED]? Yeah. It was expired what, 24 ten months, eleven months? Yeah. Just -- Must 25 have just missed the expiration.</p>
<p style="text-align: right;">Page 255</p> <p>1 interpreter, this woman Hermelinda Montez; 2 correct? 3 A. That's what it says. 4 Q. All right. NuStar didn't certify the 5 I-9 form or the documents; right? 6 A. It's just not written down there. 7 Q. Okay. NuStar did not complete the 8 certification portion of the I-9 form? 9 A. I could answer that question. Give me 10 a second here. 11 So according to this sheet, 12 what's his name, [REDACTED] 13 [REDACTED] -- well, I can -- I can answer why this 14 doesn't -- why it's not even finished. 15 Q. Why is that? 16 A. It should have been destroyed. 17 Q. Why should it have been destroyed? 18 A. Because it was already after the date. 19 He should have been -- He would have already -- 20 The paperwork would have been destroyed by 2018. 21 Q. I see. 22 A. We kept every -- We kept all the 23 information. 24 Q. Got it. It wasn't among the files that 25 Ms. Bahena reviewed; right?</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. Okay. 2 A. Once again, it's an ID card, right, I 3 missed the expiration. His picture went with 4 him and his Social Security. 5 Q. And that's what you were just looking 6 at, that the Social Security numbers matched? 7 A. It must have been, you know, once 8 again, a clerical error. Just they didn't -- 9 they didn't realize the card was expired. It 10 was nothing -- but I did have his Social 11 Security card. 12 (Exhibit 28 was marked for 13 identification by the reporter.) 14 Q. Mr. Nunes, you have been handed a 15 document that has been marked as Defendants' 16 Exhibit 28. This is -- We actually talked about 17 this young man before. This is [REDACTED] 18 [REDACTED] right? 19 A. Yeah. 20 Q. [REDACTED] son; right? 21 A. Yes. 22 Q. Okay. You employed [REDACTED] 23 for four and a half years; right? 24 A. Yeah. He worked -- He worked there on 25 and off.</p>

65 (Pages 254 - 257)

<p style="text-align: right;">Page 258</p> <p>1 Q. I mean, around school, presumably, and 2 everything? 3 A. Yeah. 4 Q. Okay. 5 A. Yeah. Because he was going to go to 6 college, things like that, and then he ended up 7 going to work somewhere else. I think he's a 8 welder or a painter or something now. 9 Q. Okay. So first of all, again, Section 10 2 is not completed; right? 11 A. Okay. 12 Q. No, not okay. It's correct; right? 13 Section 2 is not completed on this form? 14 A. Yeah. Yes. 15 Q. All right. Take a look at his 16 identifications. That's PX4090. 17 A. Okay. 18 Q. And so what we have for him is a school 19 ID; right? 20 A. Yeah. You know, some of those high 21 school kids I didn't -- you may not have got it. 22 I don't -- I don't remember. I know some of 23 those high school kids, it's just -- you try to 24 give them work, and then we wouldn't -- they're 25 just -- yeah. I don't know. I can't answer why</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. Let's take a look at another one. 2 (Exhibit 29 was marked for 3 identification by the reporter.) 4 Q. So this is a gentleman that I think -- 5 Oh, I'm sorry. Let me pass this over. 6 I've handed you a document that 7 has been marked as Defendants' Exhibit 29. And 8 this is for a gentleman that I think worked for 9 you for a handful of years in the early days of 10 NuStar. Do you remember [REDACTED]? 11 A. I can't say if I do or I don't. 12 Q. Okay. So let's walk through this one 13 here. So -- I'm sorry, when you said "I can't 14 say if I do or I don't," that's -- 15 A. I don't recall. 16 Q. Okay. So he signs the form you see 17 here in July of 2007; right? 18 A. Okay. 19 Q. So he started in July of 2007. Does 20 that sound right? 21 A. I don't know. 22 Q. Okay. Who was responsible for 23 reviewing and completing I-9s in 2007 at NuStar? 24 A. I assume I would have. 25 Q. All right.</p>
<p style="text-align: right;">Page 259</p> <p>1 you wouldn't have it for -- they're just 2 those -- he started working part time, just in 3 and out, trying to teach him something. 4 Q. Look, I sympathize and understand. You 5 have a high school kid, you're just trying to 6 get him some work and teach him some stuff? 7 A. He wasn't a full time -- when we hired 8 him, he wasn't full time or nothing. 9 Q. Right. Because you didn't -- And 10 that's essentially why you didn't ask him for 11 his Social Security card? 12 A. I -- I don't know why -- why there's 13 not a Social Security card. I couldn't 14 answer -- I can't answer -- I guess I should say 15 I can't answer that. 16 Q. Okay. 17 A. You'd have to ask Lori. 18 Q. Okay. Lori might know why you 19 accepted -- 20 A. Yeah. I know some of -- like his ID, I 21 mean, it's just a high school card; right? It's 22 not -- I mean, that's not a really valid ID; 23 right? Is it? 24 Q. I don't know. 25 A. I don't know.</p>	<p style="text-align: right;">Page 261</p> <p>1 A. I don't -- I don't -- Yeah. I don't 2 know. Honestly, in 2007, I don't -- I don't 3 remember. That's a long time ago, man. 4 Q. Okay. So let's just kind of move down 5 here a little bit. So he -- it seems that he 6 completed Section 1 in a sense here. He 7 didn't -- He didn't check, it seems, whether he 8 was a lawful purpose -- a lawful permanent 9 resident or a citizen or anything; right? He 10 didn't check that box? 11 A. It looks like it. I don't know. I 12 can't tell. It's a copy. It's not real good. 13 Q. Okay. But it seems like he completed 14 Section 1. But let's go down to Section 2. 15 A. Okay. 16 Q. And this is where I'm just a little 17 confused as to what's going on in this document. 18 So first of all, the List A parts are completed; 19 right? And you see the document title is Mexico 20 and the issuing authority is Omaha. Do you know 21 what those mean? 22 A. I have no idea. 23 Q. As you go down to the certification, it 24 seems that the signature of the employer who 25 is -- who is certifying this and saying that he</p>

66 (Pages 258 - 261)

<p style="text-align: right;">Page 262</p> <p>1 started on July 20th is [REDACTED] himself. Do you 2 see that? 3 A. Okay. 4 Q. And he prints his name and he signs his 5 name; right? 6 A. Yeah. 7 Q. And one of my -- I see this here, he 8 lists under business and organization name cows; 9 is that right? 10 A. That's what it says. 11 Q. Okay. Look, [REDACTED] shouldn't have been 12 filling out these forms in 2007; right? 13 Strike that. 14 MR. BISS: Objection to form. 15 Q. [REDACTED] shouldn't have been filling out 16 Section 2 of these forms in 2007; right? 17 MR. BISS: Object to the form. 18 A. He would have never -- They would have 19 never -- They just -- They just filled it out. 20 Q. Right. He didn't really know what he 21 was doing? 22 A. He probably didn't know what he was 23 doing. 24 MR. BISS: Object to the form. 25 Q. All right. But you didn't -- But you</p>	<p style="text-align: right;">Page 264</p> <p>1 our documents. Did we knowingly do it? No. 2 It's still better than Lizza and -- and Hearst 3 Corp. that has nothing. 4 MR. BOYER: I'm -- Just remind me 5 again what my question was. I'm sorry. 6 (Requested portion of the record 7 was read.) 8 MR. BOYER: That's fine. You can 9 leave it there. We're up to 30? 10 (Exhibit 30 was marked for 11 identification by the reporter.) 12 Q. Mr. Nunes, you've been handed a 13 document that has been marked as Defendants' 14 Exhibit 30. And to cut to the chase here, this 15 document -- in this document -- Strike that. 16 To cut to the chase here, 17 [REDACTED] signed this document on May 18th, 18 2011; right? 19 A. I guess that's what it says. 20 Q. And down below it's certified and then 21 signed by Lori Nunes on May 23rd, 2011; right? 22 A. Okay. 23 Q. All right. But then again, we look at 24 the resident alien card, and it expired in 25 December of 2009; correct?</p>
<p style="text-align: right;">Page 263</p> <p>1 accepted this form anyway; right? 2 A. Does he have both cards? 3 Q. Let's take a look. Let's take a look 4 at the resident alien card. So one thing that I 5 noticed about the resident alien card is that it 6 expires, right, on November 30th, 2006? 7 Correct? 8 A. Okay. 9 Q. All right. But as we saw before, he's 10 completing this form and representing that his 11 first day is on July 20th of 2007; right? 12 A. That's what it says. 13 Q. So the resident alien card had expired 14 seven months before it was presented to NuStar? 15 A. I didn't know they had -- Once again, I 16 didn't know they had expiration dates. 17 Q. Right. Even though it says "Card 18 Expires" on the document? 19 A. I don't -- I'm not -- I'm not a 20 forensic examiner on these cards. I don't know. 21 I don't know what that -- I didn't know they had 22 that on there. 23 Q. Okay. 24 A. Once again, we produced documents that 25 we didn't need to produce, but we have all of</p>	<p style="text-align: right;">Page 265</p> <p>1 A. Yep. That's all new to me, those -- I 2 never seen those before. 3 Q. Got it. So once again, NuStar accepted 4 an identification that had expired? 5 A. Lori -- That's what it says. I don't 6 know if we, you know -- Knowingly? No. 7 Q. You just wouldn't have paid attention 8 to the expiration date? 9 A. That's not what I said. 10 Q. You didn't know it had an expiration 11 date? 12 A. I still didn't realize that they 13 expired like that. You look at the photo ID. 14 Q. You were just kind of looking at the 15 photograph? 16 A. I'm not -- I'm not the government. We 17 have to look at the cards. 18 Q. I understand that. But the expiration 19 date is on the front of the card right above his 20 signature; right? 21 A. Uh-huh. 22 Q. Right? 23 A. Does that make him illegal? 24 Q. Well, it means -- Well -- 25 A. Exactly.</p>

67 (Pages 262 - 265)

<p style="text-align: right;">Page 266</p> <p>1 (Exhibit 31 was marked for 2 identification by the reporter.) 3 Q. Mr. Nunes, you've been handed a 4 document that has been marked as Defendants' 5 Exhibit 31. So let's take a look at the 6 documents that were presented to you by 7 [REDACTED], I believe. 8 Okay. So [REDACTED] presented 9 to NuStar a consular ID card from the Guatemalan 10 consular; right? 11 A. That's what it shows. 12 Q. So you knew he was a Guatemalan 13 citizen; right? 14 A. I can't answer that. 15 Q. All right. Well, you know that a 16 foreign consular card is not -- 17 A. I would assume that's -- that that 18 would be it, but I -- yes. 19 Q. Okay. So you assume he's a citizen, 20 but you don't know for sure? 21 Strike that? 22 You assume he's a citizen of 23 Guatemala, but you wouldn't know for sure? 24 A. He has a Social Security card. 25 Q. Right. I see he presented a Social</p>	<p style="text-align: right;">Page 268</p> <p>1 Strike that. 2 You made a copy of it; right? 3 A. That's correct. 4 Q. Stuck it in the file; right? 5 A. That's correct. 6 Q. And didn't scrutinize it any beyond 7 that; right? 8 A. I cannot say that. 9 Q. Okay. Well, you accepted a Guatemalan 10 consular identification card as an acceptable ID 11 for employment eligibility verification; right? 12 A. It says right here on the back of the 13 card that he's -- he's -- he's in the U.S. 14 Q. Right. It says he's in the U.S.; 15 right? 16 A. So how do you know that he's here -- 17 Are you trying to say that this is invalid? I 18 mean, it says that he's here, so they 19 knowingly -- it should be a decent ID if it's -- 20 if he's in the U.S. Obviously the U.S. accepted 21 that. 22 Q. Do you believe -- 23 A. Is that not true? 24 Q. Well -- Well, let me just ask the 25 question. To your understanding, are people</p>
<p style="text-align: right;">Page 267</p> <p>1 Security card. Right. But you know the foreign 2 consular card is not a U.S. or state-issued ID 3 and therefore not an acceptable ID for 4 eligibility and verification; right? 5 MR. BISS: Object to the form. 6 A. That I don't know. 7 Q. You don't know? You thought that a -- 8 A. Don't -- I didn't think anything. Once 9 again, these are papers, right, that should have 10 been destroyed, but we still presented them to 11 you. We're not -- have nothing to hide. We did 12 nothing wrong. We didn't knowingly do anything. 13 Still, once again, we still produced way more 14 papers than Ryan Lizza or Hearst Corporation 15 can. 16 Q. Okay. Well, in any event, one more. 17 (Exhibit 32 was marked for 18 identification by the reporter.) 19 Q. I'll hand you a document that's been 20 marked as Defendants' 32. If you go straight to 21 the IDs, it appears that [REDACTED] is it 22 [REDACTED] also presented a Guatemalan 23 consular ID card; right? 24 A. It looks like it. 25 Q. And you made a scan of it; right?</p>	<p style="text-align: right;">Page 269</p> <p>1 allowed to present a foreign consular card as a 2 valid photo identification? 3 A. I honestly can't say that I've actually 4 ever seen one, so -- and it's not signed, so I 5 can't honestly say that I -- I did this one or 6 that one. I don't remember seeing one of those, 7 but I still go back to the same thing, that 8 if -- if he has this on here, how can he be -- 9 you know, how -- how is that possible? 10 Q. I'm going to hand you another one. 11 This one is marked as Defendants' 33. 12 (Exhibit 33 was marked for 13 identification by the reporter.) 14 A. Boy, you're getting all the ones that 15 were supposed to be destroyed. 16 Q. Do you wish they were destroyed? 17 A. No. That's what we -- If I did, they 18 wouldn't be here. But they're here. Once 19 again, we still produced all of our information. 20 We have nothing to hide, unlike Ryan Lizza and 21 Hearst Corp. 22 Q. Okay. So let's just take a look at the 23 documents that were presented by [REDACTED] 24 [REDACTED] So take a look at his Social 25 Security card. Do you see that? It's on page</p>

68 (Pages 266 - 269)

<p style="text-align: right;">Page 270</p> <p>1 PX3544.</p> <p>2 A. Okay.</p> <p>3 Q. And could you read the words that are</p> <p>4 in print on the Social Security card right below</p> <p>5 the Social Security logo?</p> <p>6 A. "Valid for work only with DHS</p> <p>7 authorization."</p> <p>8 Q. Do you know what that means?</p> <p>9 A. I have no idea.</p> <p>10 Q. All right. So you don't understand</p> <p>11 that this means it actually is not in and of</p> <p>12 itself a valid work authorization document?</p> <p>13 A. It's a Social Security card.</p> <p>14 MR. BISS: Object to the form.</p> <p>15 A. I can't -- I can't confirm. I mean, I</p> <p>16 don't -- I don't know if they get -- Do they</p> <p>17 give out different ones? Do they actually give</p> <p>18 those out?</p> <p>19 Q. Well, I kind of want to know NuStar's</p> <p>20 knowledge. Is NuStar aware of the fact that</p> <p>21 Social Security cards will sometimes have this</p> <p>22 ledger at the top?</p> <p>23 A. I can't answer that.</p> <p>24 Q. You don't know?</p> <p>25 A. I don't know. I don't know if they</p>	<p style="text-align: right;">Page 272</p> <p>1 A. I can't scrutinize somebody's</p> <p>2 signature.</p> <p>3 Q. Okay. Well, take a look at the I-9,</p> <p>4 for example, on the front. It says "PX3629."</p> <p>5 This is the I-9 for [REDACTED].</p> <p>6 A. Okay.</p> <p>7 Q. All right. And the -- the signature --</p> <p>8 you would at least agree with me that the</p> <p>9 signature on the I-9, where it says "Employee's</p> <p>10 Signature," is different than the signature on</p> <p>11 [REDACTED] Social Security card; right?</p> <p>12 A. It appears to be different. One is --</p> <p>13 One is a -- One is a print, and one is a</p> <p>14 signature.</p> <p>15 Q. You didn't ask [REDACTED] about that,</p> <p>16 did you?</p> <p>17 A. No.</p> <p>18 Q. All right. You didn't --</p> <p>19 A. Why would I?</p> <p>20 Q. You didn't say, "Is this really your</p> <p>21 signature or" --</p> <p>22 A. I can't question that.</p> <p>23 Q. You just can't question it?</p> <p>24 A. You can't question the authenticity of</p> <p>25 cards to the employee.</p>
<p style="text-align: right;">Page 271</p> <p>1 have -- I mean, obviously this one shows it, so</p> <p>2 is that -- does that make it illegal?</p> <p>3 Q. All right.</p> <p>4 A. Is that fraudulent?</p> <p>5 Q. Do you recall seeing documents with</p> <p>6 that ledger at the top in the past?</p> <p>7 A. I can't say.</p> <p>8 Q. Okay. All right.</p> <p>9 A. He does have a valid driver's license.</p> <p>10 How did he get a driver's license?</p> <p>11 (Exhibit 34 was marked for</p> <p>12 identification by the reporter.)</p> <p>13 Q. So -- So I think we might have touched</p> <p>14 on this before, but remind me again, what's</p> <p>15 NuStar's practice if the signature on the I-9</p> <p>16 appears different than the signature on IDs that</p> <p>17 are presented by the worker?</p> <p>18 A. There is no -- I don't know how people</p> <p>19 sign cards. I don't know how they do --</p> <p>20 Q. You don't scrutinize --</p> <p>21 A. Everybody has -- I have different</p> <p>22 signatures. You can't scrutinize that.</p> <p>23 Q. All right. So it wouldn't matter</p> <p>24 how -- it could look very different, and it</p> <p>25 wouldn't matter to NuStar; right?</p>	<p style="text-align: right;">Page 273</p> <p>1 (Exhibit 35 was marked for</p> <p>2 identification by the reporter.)</p> <p>3 Q. Actually -- So I handed you a document</p> <p>4 that's been marked as Defendants' Exhibit 38,</p> <p>5 but I think we've made this point enough</p> <p>6 already, so I'll just -- 35.</p> <p>7 MR. BOYER: My goodness, excuse</p> <p>8 me. Thank you for that correction.</p> <p>9 Q. I've handed you a document that's been</p> <p>10 marked as Defendants' Exhibit 35, but I'll</p> <p>11 actually skip over it because I think we've</p> <p>12 already established, right, that NuStar does not</p> <p>13 ask for updated employment work -- IDs or work</p> <p>14 authorization cards when they expire in the</p> <p>15 middle of somebody's employment; right?</p> <p>16 A. I don't --</p> <p>17 Q. Okay.</p> <p>18 A. I don't think legally we can.</p> <p>19 MR. BOYER: All right. Give</p> <p>20 me -- Let's go off the record for just 30</p> <p>21 seconds. I've just got to grab a stack of other</p> <p>22 stuff. I'll be right back.</p> <p>23 THE VIDEOGRAPHER: We are going</p> <p>24 off the record. The time is 3:36.</p> <p>25 (A recess was taken.)</p>

69 (Pages 270 - 273)

<p style="text-align: right;">Page 274</p> <p>1 THE VIDEOGRAPHER: We are back on 2 the record. The time is 3:37. 3 (Exhibit 36 was marked for 4 identification by the reporter.) 5 Q. Mr. Nunes, you've been handed a 6 document that has been marked as Defendants' 7 Exhibit 36. Do you remember [REDACTED] 8 A. Nope. 9 Q. Well, let's take a look at his I-9 10 first. So first of all, you see the name in 11 Section 1 that he provides is [REDACTED] 12 [REDACTED] spelled [REDACTED] right? 13 A. It appears to be that. 14 Q. Now go to his card. 15 A. Okay. 16 Q. Take a look at his Social Security 17 card. 18 A. Okay. 19 Q. All right. And you see it says 20 [REDACTED]? 21 A. That's what it says. 22 Q. All right. Did you consider that to be 23 an indication that the document is not genuine? 24 MR. BISS: Object to the form. 25 A. I can't ask that question.</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. Okay. Whose responsibility at NuStar 2 is it to confirm the accuracy of the names on 3 the I-9 versus on the cards that are offered? 4 A. Whoever is verifying the card. 5 Q. Right. But who is -- who is 6 responsible at NuStar for doing it, you or 7 Ms. -- or Ms. Lori Nunes? 8 A. One of us have to look at it. 9 Q. All right. 10 A. But once again, these are old documents 11 that maybe something was not right on it. Maybe 12 it was wrong, should have been destroyed, but 13 once again, we kept it. Ryan Lizza has no 14 notes, no nothing. Either does Hearst Corp. 15 They have nothing. We -- We supplied everything 16 that we have. 17 Q. And you didn't -- if I'm not mistaken 18 on the I-9, the employer did not certify the I-9 19 either; right? 20 A. Right. Because we didn't have to 21 because it's old. 22 Q. Gotcha. 23 A. It's an old deal. We -- We obviously 24 didn't finish completing the form, once again, 25 but the employee did fill it out.</p>
<p style="text-align: right;">Page 275</p> <p>1 Q. You've just got to accept it; right? 2 A. Legally we can't ask them. 3 Q. So you just say -- you could look at 4 it, you could say, look, it's spelled 5 differently on the form than on the -- on the 6 I-9 form than the Social Security card, and hire 7 them anyway? 8 A. Say that again. 9 Q. Right. 10 A. Because you -- Talk to me directly. 11 Q. Sure. So even if you saw that the card 12 was -- the name on the Social Security card was 13 spelled differently than on the I-9, you would 14 hire them anyway? 15 A. It's hard to say if I -- if I actually 16 seen the thing wrong. Once again, there was 17 another error on another one. Would you ever 18 have seen it? I don't know. 19 Q. All right. 20 A. I mean, you look at it, you read it. I 21 don't know. I can't say that. 22 Q. And the employers didn't -- 23 A. So don't -- don't put words in my mouth 24 that I just automatically assumed that. No. I 25 just may not have read it properly.</p>	<p style="text-align: right;">Page 277</p> <p>1 (Exhibit 37 was marked for 2 identification by the reporter.) 3 Q. I'm sorry, so if -- who exactly is the 4 one who has the practice of reviewing the cards 5 when they present it? Is it you or Lori? 6 A. On these old ones? 7 Q. Yeah. 8 A. I -- I assume it would have been me. I 9 don't -- I don't think Lori was looking at 10 those. I don't know. 11 Q. Okay. Did there come a time when Lori 12 started looking at the cards? 13 A. She had her name on some of those, 14 so -- 15 Q. Okay. If she's filling out the 16 certification, she's the one looking at the 17 cards? 18 A. You would assume so. 19 Q. Okay. But if it's -- if the 20 certification isn't completed, then you were the 21 one who was looking at the cards on these old 22 ones? 23 A. I would assume so. 24 Q. Okay. And then if somebody else filled 25 out the certification, then whoever filled out</p>

70 (Pages 274 - 277)

<p style="text-align: right;">Page 278</p> <p>1 that certification is the one who looked at the 2 cards? 3 A. Nobody else signed anything. 4 Q. Okay. It was either you or Lori? 5 A. Pretty much; right? Was there another 6 one? 7 Q. I think it's just -- I think there was 8 one with Toni Dian, if I recall, that we saw 9 earlier. So she might have looked at the cards 10 there? 11 A. It's hard to say. 12 Q. You've been handed a document that has 13 been marked as Defendants' 37. So -- All right. 14 This is for [REDACTED]; is that right? 15 A. That's what it says. 16 Q. All right. And that's what he writes 17 on the I-9, and that's the name he signs; right? 18 [REDACTED] spelled [REDACTED] right? 19 A. Okay. 20 Q. Now take a look at his IDs. So you 21 see -- 22 A. No, I don't see. 23 Q. You don't -- They're on the very last 24 page. 25 A. Oh, right there.</p>	<p style="text-align: right;">Page 280</p> <p>1 A. I don't -- I don't recall this at all. 2 I don't -- I mean, you're asking a hypothetical 3 on that again. I don't -- I don't ever recall 4 seeing anything like this. 5 Q. Right. So does NuStar have a practice 6 or policy as to how to handle situations where 7 the names don't match? 8 A. Once again, like I told you before, 9 I've never seen it. 10 Q. Have you had -- One second. 11 You say you've never seen these 12 mismatches between names and IDs and the I-9 13 before? 14 A. I never recall ever seeing them, no. 15 Q. Got it. And you're speaking on behalf 16 of NuStar when you say that; right? 17 A. Yeah. 18 Q. All right. 19 A. If you ask me if I -- if I -- if I 20 looked at those, I don't ever remember ever 21 seeing a card that was mismatched by no means. 22 Q. Okay. Do you have -- Have you had 23 conversations with other, say, farmers in the 24 area about the labor market? 25 A. I don't recall. What do you mean?</p>
<p style="text-align: right;">Page 279</p> <p>1 Q. Yep. So first of all, take a look at 2 his signatures on these cards. Now, his 3 signature is spelled [REDACTED] on 4 both his Social Security card and the resident 5 alien card; right? 6 A. Okay. 7 Q. Yeah. But the name that's printed by 8 the government agency on each of the cards or 9 appears to be by the government is [REDACTED] on 10 both cards. Do you see that? 11 A. I see that. 12 Q. Did you ask him about that? 13 A. I don't recall. 14 Q. You don't recall? Did you -- Do you 15 recall seeing this on the cards? 16 A. I don't recall this. I don't recall 17 this. This is a long time ago. 18 Q. Right. Would you have -- If you had 19 seen that the cards were spelled wrong -- 20 A. I can't -- If I had seen it -- I don't 21 recall. 22 Q. Right. But what -- what would NuStar's 23 practice be if it's presented with cards where 24 the printed name on the IDs is different than 25 the name that's signed and proffered on the I-9?</p>	<p style="text-align: right;">Page 281</p> <p>1 Q. Have you ever talked to them about 2 difficulty in finding employees or ease with 3 which you can find employees or anything like 4 that? 5 A. No, not -- No. I don't recall. 6 Q. Do you discuss issues of undocumented 7 labor in the labor pool for agriculture 8 generally? 9 A. Never. 10 Q. Never talked about that with anybody? 11 A. No. 12 Q. Okay. Have you ever heard that it's 13 pretty common for various agricultural 14 industries to have a labor pool that's saturated 15 with undocumented workers? 16 A. No, but I know like Hearst Corp. and 17 Ryan Lizza spew out things like that as they 18 think it's factual and then can't verify that. 19 I have no idea. But I do know there's stories 20 out there that like to beat up good honest 21 people. 22 Q. What are some of those stories? 23 A. What's that? 24 Q. You said there's stories out there, 25 plural.</p>

71 (Pages 278 - 281)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 282</p> <p>1 A. Oh, there's all kinds of stories.</p> <p>2 Q. So what are some of the other stories?</p> <p>3 A. Just like you just mentioned, you said</p> <p>4 all these other stories out there. Well, I</p> <p>5 don't -- you said stories. Yep, there's stories</p> <p>6 out there.</p> <p>7 Q. Okay. Well, what are you talking about</p> <p>8 when you say other stories out there?</p> <p>9 A. It's -- You hear -- You hear it in the</p> <p>10 news. They go, "Oh, all these undocumented</p> <p>11 workers."</p> <p>12 Q. Right. And you think it's just totally</p> <p>13 false?</p> <p>14 A. I have no idea.</p> <p>15 Q. You just have no idea?</p> <p>16 A. I've never seen any.</p> <p>17 Q. Okay.</p> <p>18 A. It's not like we're going down to Home</p> <p>19 Depot and picking up people.</p> <p>20 (Exhibit 38 was marked for</p> <p>21 identification by the reporter.)</p> <p>22 Q. Mr. Nunes, you are being handed a</p> <p>23 document that has been marked as Defendants'</p> <p>24 Exhibit 38. So actually, before we get talking</p> <p>25 about this specific document, let me just sort</p>	<p style="text-align: right;">Page 284</p> <p>1 presented documents to you, or is it that their</p> <p>2 documents are, in fact, genuine? Which -- What</p> <p>3 do you mean by "documented"? When you say all</p> <p>4 of your workers are documented, do you mean just</p> <p>5 they have presented me documents?</p> <p>6 A. No.</p> <p>7 Q. Okay. What do you mean?</p> <p>8 A. They look valid to -- They look valid</p> <p>9 and correct, to my best of my ability.</p> <p>10 Q. Got it. So they present to you</p> <p>11 documents that you review, and they look valid</p> <p>12 and correct, to the best of your ability?</p> <p>13 A. Social Security card and a photo ID.</p> <p>14 Q. Okay. And -- But you are -- When we</p> <p>15 talk about undocumented workers, you don't know</p> <p>16 whether they are, in fact, in the country</p> <p>17 illegally; right?</p> <p>18 A. I -- I -- I don't know any.</p> <p>19 Q. No. Look, I'm just saying --</p> <p>20 A. I guess I don't understand what you're</p> <p>21 asking. You're saying, well, the people that</p> <p>22 you know that are undocumented. I don't -- I</p> <p>23 don't know any.</p> <p>24 Q. Okay. So you're confident that your</p> <p>25 workers -- not a single one of them are in the</p>
<p style="text-align: right;">Page 283</p> <p>1 of ask a couple general questions, now that</p> <p>2 we've taken a look at a lot of I-9s. Is it true</p> <p>3 that NuStar tries to avoid hiring undocumented</p> <p>4 workers?</p> <p>5 A. We don't hire undocumented workers.</p> <p>6 Q. I'm asking does it -- does it try to</p> <p>7 avoid hiring undocumented workers?</p> <p>8 A. We never -- We don't hire undocumented</p> <p>9 workers. Everybody is documented.</p> <p>10 Q. All right. Does it want to -- Does it</p> <p>11 want to avoid hiring undocumented workers?</p> <p>12 A. We don't --</p> <p>13 Q. Okay.</p> <p>14 A. We don't hire undocumented workers.</p> <p>15 Q. How do you define undocumented workers?</p> <p>16 A. They're all documented.</p> <p>17 Q. How do you define -- What's your</p> <p>18 definition of somebody who is documented? Let</p> <p>19 me start there.</p> <p>20 A. That they have legal forms of ID.</p> <p>21 Q. Okay. That those --</p> <p>22 A. That's what we're required to get by</p> <p>23 the government.</p> <p>24 Q. Let me just back up. When you say</p> <p>25 "documented," is it something -- is it they have</p>	<p style="text-align: right;">Page 285</p> <p>1 country --</p> <p>2 A. Absolutely.</p> <p>3 Q. Let me finish my question.</p> <p>4 A. Oh, I'm sorry.</p> <p>5 Q. You are confident that not a single one</p> <p>6 of your workers, present or past, is in this</p> <p>7 country illegally?</p> <p>8 A. Not that I know of. I don't have</p> <p>9 any -- I have no indication that they are.</p> <p>10 Q. Got it. Would -- If there's a process</p> <p>11 NuStar could use to keep it from -- to prevent</p> <p>12 it from hiring people who are in the country</p> <p>13 illegally --</p> <p>14 A. We do do that.</p> <p>15 Q. What's that?</p> <p>16 A. We do do that.</p> <p>17 Q. Okay. What's that process?</p> <p>18 A. We look at the card just like we</p> <p>19 legally are supposed to do. We do exactly what</p> <p>20 we're legally supposed to do.</p> <p>21 Q. Okay. Well, if there's a process you</p> <p>22 could use in order to confirm that the cards are</p> <p>23 authentic, would NuStar want to use it?</p> <p>24 MR. BISS: Object to the form.</p> <p>25 A. I answered your question already.</p>

72 (Pages 282 - 285)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 78 of 105

App. 194

<p style="text-align: right;">Page 286</p> <p>1 Q. I don't think you have. I'm not asking 2 whether you look at it, say it's fine, stick it 3 in a file. I'm asking -- 4 A. We do what we're supposed to do. 5 Q. I am asking -- Please let me finish the 6 question. I am asking whether NuStar would want 7 to take additional steps to not hire people who 8 are in the country illegally even if they have 9 fake IDs. Is that -- Would you want to do that? 10 A. What -- What steps are those? 11 Q. Well, have you ever heard of E-Verify? 12 A. We don't have to E-Verify. We're -- We 13 don't have an HR department. We can't -- We 14 can't take -- We don't have to legally do that. 15 Q. What is E-Verify? 16 A. I don't really know. 17 Q. Okay. All right. Well, you've heard 18 of it before? 19 A. Yes. 20 Q. You obviously just talked about it. 21 A. I've heard of it. 22 Q. Right. And you know you don't have to 23 do it as a matter of law; right? 24 A. That I do know. 25 Q. Okay. So what is your understanding of</p>	<p style="text-align: right;">Page 288</p> <p>1 understand, he didn't know what it was. 2 MR. BOYER: Okay. Well, to the 3 witness. 4 A. That's what I said. 5 Q. Okay. You have no idea what E-Verify 6 is? 7 A. I have no idea. We don't have to use 8 it. Never have used it. I don't know what it 9 is. We don't legally have to use it. 10 Q. Okay. Does the -- Do folks in -- Do 11 persons in the agriculture industry tend to use 12 E-Verify? Do you know? 13 A. I have no idea. 14 Q. No idea? 15 A. I assume if they're of certain size 16 they would have to be required to do it by law. 17 Q. Okay. Now, why don't we take a look at 18 Defendants' Exhibit twenty -- excuse me -- 38. 19 Have you seen this before? 20 A. I don't recall if I seen this one. 21 Q. Okay. I'm asking -- Just to be clear, 22 I'm asking NuStar, has NuStar seen this before? 23 A. I don't -- I don't know what it is. 24 Lori might know what it is. 25 Q. Okay. You think Lori would be the one</p>
<p style="text-align: right;">Page 287</p> <p>1 what it is? 2 A. It's a -- some kind of verification for 3 big corporations. 4 Q. Only big corporations need to do it? 5 MR. BISS: Object to the form. 6 A. As far as I know. 7 Q. Okay. Well, you understand what -- the 8 idea is that you input information about the 9 employer and then it will verify whether or not 10 their documents are -- 11 A. But I don't legally have to. 12 Q. Again, please stop interrupting me. 13 A. Oh, I'm sorry. 14 Q. All I'm asking -- like you -- I know 15 you don't legally have to. I'm just asking that 16 you understand that -- what it is. And namely 17 that you would input the information and you 18 would get a confirmation from the government 19 that the person is here legally or not -- is 20 authorized to work or is not; right? 21 MR. BISS: You're asking him to 22 accept those representations? 23 MR. BOYER: I'm asking him if 24 that's his understanding. 25 MR. BISS: He said he didn't</p>	<p style="text-align: right;">Page 289</p> <p>1 who would be able to talk about this particular 2 document? 3 A. When did we -- What date did we receive 4 this? Oh, yeah. This is the one that we got 5 after you guys did the story on us. All of a 6 sudden we just get this letter out of nowhere. 7 I do recall this letter. 8 Q. Okay. So -- 9 A. After you -- After that story was ran, 10 all of a sudden we got a letter. Never got one 11 that I recall ever, and then all of a sudden 12 we -- it shows that we have all these -- that -- 13 you can't even do anything with it. It's -- 14 It's a worthless document. 15 Q. Okay. Well, let's break this down and 16 let's take it step by step. So you do recall 17 receiving this document? 18 A. I do recall this, yes, because I 19 remember receiving it after you ran the story. 20 Q. Okay. In 2019; right? 21 A. When -- When -- It says it was -- Where 22 did I see that at? Well, it says "Receipt Year: 23 2019." 24 Q. Right. And right above it it says for 25 the tax year 2018; correct?</p>

73 (Pages 286 - 289)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 290</p> <p>1 A. Yeah. That's what it says.</p> <p>2 Q. All right. Okay. Who -- Who at NuStar</p> <p>3 received it? Like who got it first?</p> <p>4 A. The business. I don't --</p> <p>5 Q. Well, it was addressed to Anthony L.</p> <p>6 Nunes, Jr., but also a P.O. Box.</p> <p>7 A. NuStar Farms.</p> <p>8 Q. At a P.O. Box; right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So I just want to take -- walk</p> <p>11 me through the scene. Like who got the</p> <p>12 envelope, who opened it, et cetera? Do you</p> <p>13 remember?</p> <p>14 A. Lori probably did.</p> <p>15 Q. Is Lori typically the one who opens the</p> <p>16 mail?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay.</p> <p>19 A. So do you want to ask her about that?</p> <p>20 Because I don't really know. All I know is that</p> <p>21 I remember getting this document. And if you</p> <p>22 read through it, we can't -- there's nothing to</p> <p>23 do. We can't respond to any -- there's nothing</p> <p>24 to do. We can't do anything. And it came after</p> <p>25 you guys ran the story, hence the reason why --</p>	<p style="text-align: right;">Page 292</p> <p>1 them. We've never knowingly hired anybody that</p> <p>2 was illegal. And then all of a sudden we get</p> <p>3 this letter. It's all political.</p> <p>4 Q. Okay.</p> <p>5 A. If there was an issue, why didn't we</p> <p>6 see anything before?</p> <p>7 Q. Well, did you have any communications</p> <p>8 with the Social Security Administration about</p> <p>9 this letter?</p> <p>10 A. Did you -- Did you read the letter?</p> <p>11 Q. I've read it, yes.</p> <p>12 A. There's nothing that -- There's nothing</p> <p>13 to do. I can't do anything. There's nothing to</p> <p>14 do.</p> <p>15 Q. Okay. And you -- you read it all the</p> <p>16 way through; right?</p> <p>17 A. Lori knows more about it than I do.</p> <p>18 I'm just telling you what I know. You asked</p> <p>19 what I know, and that's what I know.</p> <p>20 Q. Did you discuss the letter with other</p> <p>21 people at the farm?</p> <p>22 A. I -- I didn't.</p> <p>23 Q. Okay. So you didn't discuss it with</p> <p>24 Anthony Nunes, Jr., and you didn't discuss it</p> <p>25 with Toni Dian Nunes?</p>
<p style="text-align: right;">Page 291</p> <p>1 after you guys wrote the story, Lizza and Hearst</p> <p>2 Corp. accepted that story, and then all of a</p> <p>3 sudden the government sends us something.</p> <p>4 Q. Okay. You think the two are connected?</p> <p>5 A. Sent out the minions, and now all of a</p> <p>6 sudden there's some -- some kind of problem --</p> <p>7 Q. You think those --</p> <p>8 A. -- that we've never had before.</p> <p>9 Q. You think those two are connected?</p> <p>10 A. Absolutely.</p> <p>11 Q. Okay.</p> <p>12 A. Because it's all political. It's a hit</p> <p>13 piece on my -- on Devin Nunes. My brother has</p> <p>14 nothing to do with NuStar Farms.</p> <p>15 Q. Okay.</p> <p>16 A. It's an exact hit piece. And then all</p> <p>17 of a sudden there's government stuff popping up</p> <p>18 that we've never received before? If that was</p> <p>19 the case, why didn't we see this before? If</p> <p>20 there was a problem.</p> <p>21 Q. Okay. So tell me all the facts that</p> <p>22 support your statement here that --</p> <p>23 A. You wrote a hit piece on -- on my</p> <p>24 brother saying that we -- we hire illegal</p> <p>25 immigrants, which we don't. Knowingly hired</p>	<p style="text-align: right;">Page 293</p> <p>1 A. I wouldn't discuss -- I don't --</p> <p>2 THE WITNESS: Did you read it?</p> <p>3 A. I guess I can't ask him that.</p> <p>4 Q. I'll talk to him.</p> <p>5 A. I don't know. I don't recall.</p> <p>6 Q. Okay. So Lori opens the mail, and then</p> <p>7 she probably hands you the copy of the letter to</p> <p>8 read; right?</p> <p>9 A. Okay.</p> <p>10 Q. Is that -- I'm just trying --</p> <p>11 A. I don't know. I don't remember how the</p> <p>12 sequence went.</p> <p>13 Q. Okay. Did you discuss it with Lori?</p> <p>14 A. Yeah, because I think she said that</p> <p>15 there's nothing we could do. There's nothing to</p> <p>16 do. You can't -- I don't recall.</p> <p>17 Q. Okay. So did you take -- did you do</p> <p>18 anything after -- in response to this letter?</p> <p>19 A. I didn't do anything.</p> <p>20 Q. Okay.</p> <p>21 A. I don't recall doing anything.</p> <p>22 Q. Did NuStar do anything in response to</p> <p>23 this letter?</p> <p>24 A. I don't know if Lori -- I don't know</p> <p>25 what Lori did.</p>

74 (Pages 290 - 293)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 75 of 105

App. 196

<p style="text-align: right;">Page 294</p> <p>1 Q. Okay. Why don't we take a look at a</p> <p>2 couple portions of this letter here. And we'll</p> <p>3 start with the very first page, which is PX2768.</p> <p>4 So first let me make sure I understand what's</p> <p>5 going on here. At the top do you see where it</p> <p>6 says "Processed W2 Count: 27"?</p> <p>7 A. Okay.</p> <p>8 Q. Do you see that there?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You understand that means that</p> <p>11 there were 22 W-2s that were processed for tax</p> <p>12 year 2018 for NuStar?</p> <p>13 A. No, I don't know that.</p> <p>14 Q. You have no idea what that is?</p> <p>15 A. No. 22? No.</p> <p>16 Q. Sorry. Excuse me. 27. I misspoke.</p> <p>17 A. Is that -- Is that what that means? I</p> <p>18 don't know what that means.</p> <p>19 Q. Okay. So you don't know -- you don't</p> <p>20 know what it means when it says --</p> <p>21 A. I don't know. I don't know what that</p> <p>22 means, no.</p> <p>23 Q. Okay. So then if you go down, it</p> <p>24 says -- in the very first sentence of the</p> <p>25 paragraph of text it says "You reported 20</p>	<p style="text-align: right;">Page 296</p> <p>1 don't know.</p> <p>2 Q. Okay. Is Lori the person with the most</p> <p>3 knowledge about these documents at NuStar?</p> <p>4 A. This Exhibit 38, I would say yes.</p> <p>5 MR. BOYER: Okay. Can we mark</p> <p>6 this one too?</p> <p>7 (Exhibit 39 was marked for</p> <p>8 identification by the reporter.)</p> <p>9 Q. And I've handed you a document that has</p> <p>10 been marked as Defendants' Exhibit 39. And</p> <p>11 based on your prior answers, I assume that Lori</p> <p>12 is the person with the most knowledge about</p> <p>13 Defendants' Exhibit 39 as well; correct?</p> <p>14 A. I would say yes.</p> <p>15 Q. Well, let me just explore your</p> <p>16 knowledge then, Anthony Nunes, III. Do you</p> <p>17 recall receiving this letter in the mail in</p> <p>18 2010 -- or excuse me -- 2020?</p> <p>19 A. I would have -- I can't recall if I --</p> <p>20 I remember getting one -- maybe both of them. I</p> <p>21 don't remember.</p> <p>22 Q. Okay. Do you remember --</p> <p>23 A. What am I supposed to do with it? It</p> <p>24 says right here -- what am I supposed to do?</p> <p>25 Right here, "Important," right there, I can't do</p>
<p style="text-align: right;">Page 295</p> <p>1 employee names and Social Security numbers on</p> <p>2 the Wage and Tax Statements for tax year 2018</p> <p>3 that did not match our records"; right?</p> <p>4 A. Okay.</p> <p>5 Q. So is -- is it your understanding --</p> <p>6 and by "you," I mean NuStar, okay, does NuStar</p> <p>7 understand that this means that of the 27 W-2s</p> <p>8 that were processed for 2018 for NuStar, 20 of</p> <p>9 them did not match the Social Security's</p> <p>10 records?</p> <p>11 MR. BISS: Object to the form.</p> <p>12 Q. Is that NuStar's understanding?</p> <p>13 A. I don't know. I can't answer that.</p> <p>14 Q. Why can't you answer it?</p> <p>15 MR. BISS: He's already said why.</p> <p>16 He's never -- He can't answer what's -- He</p> <p>17 doesn't know what this letter means. He's</p> <p>18 already answered all that. How would he do</p> <p>19 that?</p> <p>20 Q. All right. Well, does NuStar not</p> <p>21 understand what it means or does Anthony Nunes,</p> <p>22 III, not understand what it means? Who doesn't</p> <p>23 understand -- like are you --</p> <p>24 A. I already told you; right? You're</p> <p>25 going to have to ask Lori, because I don't -- I</p>	<p style="text-align: right;">Page 297</p> <p>1 anything about it. So I don't know why that is.</p> <p>2 Social Security Administration sends out this</p> <p>3 letter after the story was written. Never seen</p> <p>4 one before, and now we get these, but we can't</p> <p>5 do anything with it. It says right there do not</p> <p>6 take adverse actions against any employees.</p> <p>7 What -- Okay. So what are you trying to say?</p> <p>8 What is there?</p> <p>9 MR. BOYER: I'm sorry, what was</p> <p>10 my question?</p> <p>11 (Requested portion of the record</p> <p>12 was read.)</p> <p>13 Q. Yeah. That was just my basic question,</p> <p>14 is do you remember receiving this letter in</p> <p>15 2020, Anthony Nunes, III?</p> <p>16 A. Once again, I don't recall exactly this</p> <p>17 one, but what I still don't understand is the</p> <p>18 Social Security Administration sends this out</p> <p>19 after you -- after Ryan Lizza and Hearst Corp.</p> <p>20 accepted the story, the hit piece on my brother,</p> <p>21 saying we did all this, and all of a sudden we</p> <p>22 start receiving this, but we can't do anything</p> <p>23 with it. It says right there, "Important,"</p> <p>24 right there at the bottom of the page. What am</p> <p>25 I supposed to do with it? I can't do anything.</p>

75 (Pages 294 - 297)

<p style="text-align: right;">Page 298</p> <p>1 MR. BOYER: Okay. I'm going to</p> <p>2 move to strike the answer after "Once again, I</p> <p>3 don't recall exactly this one" as being</p> <p>4 nonresponsive thereafter.</p> <p>5 MR. BISS: What's the point? Are</p> <p>6 you flexing your muscles over there? What's the</p> <p>7 point of moving to strike it?</p> <p>8 Q. So, Mr. Nunes, do you recall any</p> <p>9 conversations with anyone at NuStar about</p> <p>10 receiving this letter in 2020?</p> <p>11 A. The one -- I talked to Lori. I don't</p> <p>12 recall years. I remember talking to Lori about</p> <p>13 it.</p> <p>14 Q. Okay. What do you recall discussing</p> <p>15 with Lori?</p> <p>16 A. That there's nothing to do. It says</p> <p>17 right here in the letter we can't do anything.</p> <p>18 Q. Got it.</p> <p>19 A. There's nothing to do.</p> <p>20 Q. But again, Lori is the person --</p> <p>21 A. As long as I -- That's what I remember.</p> <p>22 That's what my recollection is.</p> <p>23 Q. Did you call Ms. Bahena after receiving</p> <p>24 either of these letters?</p> <p>25 A. I don't recall if Lori did or not. I</p>	<p style="text-align: right;">Page 300</p> <p>1 A. Okay.</p> <p>2 Q. Take a look at PX2772. Let me know</p> <p>3 when you're at that page.</p> <p>4 A. Okay.</p> <p>5 Q. Again, I'll explore this more with Lori</p> <p>6 at her deposition, because she seems to be the</p> <p>7 one with the most knowledge.</p> <p>8 A. Okay. You should ask her.</p> <p>9 Q. But to your -- to your knowledge,</p> <p>10 Anthony Nunes, III, do you know -- well, let me</p> <p>11 draw your attention to the relevant portion</p> <p>12 here. Do you see where it says "Helpful Tips</p> <p>13 About Resolving Name/SSN Mismatches" right in</p> <p>14 the middle of the page?</p> <p>15 A. Okay.</p> <p>16 Q. Okay. And then you see where it says</p> <p>17 "Resolving a mismatch"? Do you see that? It's</p> <p>18 directly below where it says "Helpful Tips About</p> <p>19 Resolving Names and SSN Mismatches."</p> <p>20 A. Helpful tips.</p> <p>21 Q. Helpful tips.</p> <p>22 A. It doesn't say require -- It doesn't</p> <p>23 say that we're required to do anything. I don't</p> <p>24 know why there's mismatch. Once again, you're</p> <p>25 going to have to ask Lori, but I didn't --</p>
<p style="text-align: right;">Page 299</p> <p>1 don't know.</p> <p>2 Q. Lori would have been the one to call</p> <p>3 her?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. Does Lori sort of maintain the</p> <p>6 relationship with Ms. Bahena?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. Because more clerical stuff, not</p> <p>10 necessarily operations.</p> <p>11 Q. Got it.</p> <p>12 A. But if you're asking me, Anthony Nunes,</p> <p>13 III, is I still don't understand how we got --</p> <p>14 received these after the story was written.</p> <p>15 We've never seen one before, then all of a</p> <p>16 sudden we're starting to receive this after a</p> <p>17 story is written.</p> <p>18 Q. Mr. Nunes --</p> <p>19 A. It's a total hit piece on my brother,</p> <p>20 and then all of a sudden you start receiving</p> <p>21 some crazy stuff that you can't do anything</p> <p>22 with.</p> <p>23 Q. Mr. Nunes, why don't you hop back to</p> <p>24 Defendants' 38, which is one of the ones in</p> <p>25 front of you.</p>	<p style="text-align: right;">Page 301</p> <p>1 Q. Okay.</p> <p>2 A. You know, is there -- Did somebody else</p> <p>3 have their ID? I don't know. But it's helpful</p> <p>4 tips. There's not -- nothing that we're</p> <p>5 supposed to -- that we're required by law to do.</p> <p>6 And we can't do it. It just says right there.</p> <p>7 It's -- It's a total bogus letter. We've never</p> <p>8 received one ever before, until after the story</p> <p>9 was written.</p> <p>10 Q. Mr. Nunes, I appreciate that you feel</p> <p>11 passionately about this matter, but please just</p> <p>12 answer my questions.</p> <p>13 A. I did. I said you're going to have to</p> <p>14 ask Lori. I went on a statement.</p> <p>15 Q. Right. That's what I would appreciate</p> <p>16 if we could just cut out some --</p> <p>17 A. I answered your question. I said</p> <p>18 you're going to have to speak to Lori, and then</p> <p>19 I went ahead and made a statement.</p> <p>20 Q. I understand what you did.</p> <p>21 A. Thank you.</p> <p>22 Q. Thank you.</p> <p>23 So now drawing your attention to</p> <p>24 the portion of the letter that says "Resolving a</p> <p>25 mismatch," to your knowledge, Anthony Nunes,</p>

76 (Pages 298 - 301)

<p style="text-align: right;">Page 302</p> <p>1 III, are you aware of NuStar having done 2 anything to resolve the mismatches? 3 MR. BISS: Object to the form. 4 Q. Are you aware of anything? 5 A. I already answered your question. I 6 said you'll have to ask Lori. 7 Q. I understand -- 8 A. I am not aware of what she did. You'll 9 have to ask her. 10 Q. Right. You would not have done it, and 11 you are not aware of it, so ask Lori. Is that 12 fair? Is that a fair summary? 13 A. That's the third time. Yes. It's 14 still amazing that you get -- never have 15 anything, and then all of a sudden this hit 16 piece was written -- written by a total 17 political hit job, and then all of a sudden you 18 receive some bogus letters. 19 Q. Did you ever try to figure out -- Did 20 you ever conduct any research to find out why 21 that happened, like why the letters were issued 22 in 2019 and 2020? 23 A. Because of the Ryan Lizza story and his 24 total hit piece on political. 25 Q. Did you conduct any research?</p>	<p style="text-align: right;">Page 304</p> <p>1 A. I've never seen this. 2 Q. I'm not asking -- 3 A. I don't recall seeing this. 4 Q. Okay. When you say "I" -- 5 A. I still can't -- It's the same as. 6 Q. Same what? 7 A. If -- You're getting real nitpicky 8 here, so you need to make sure you specify, 9 because earlier in the day you'd say me, not the 10 company, this and that, or am I speaking now as 11 the company? So when I do speak, that means I 12 have never seen that. 13 Q. That is my question. Has the 14 company -- 15 A. Still never seen it. 16 Q. Okay. Please let me ask the question. 17 Has the company ever seen this? 18 And your answer is? 19 A. No. 20 Q. Okay. So why don't we take a look at 21 some of the names here on the list. 22 A. What is this document? 23 Q. What is this document? Are you 24 aware -- Are you aware that in this case the 25 Social Security Administration was ordered to</p>
<p style="text-align: right;">Page 303</p> <p>1 A. It's the same -- It's the same research 2 Ryan Lizza used. 3 MR. BOYER: Would you mark that 4 as Defendants' 40? 5 A. To answer your question, it's the same 6 research as Ryan Lizza used. 7 Q. Okay. 8 (Exhibit 40 was marked for 9 identification by the reporter.) 10 Q. So I've marked -- 11 MR. BISS: Nate, do you have a 12 copy of that for me? 13 MR. BOYER: Oh, my goodness, of 14 course. Sorry about that. 15 MR. BISS: No problem. Thank 16 you. 17 Q. Mr. Nunes, I've handed you a document 18 that's been marked as Defendants' Exhibit 40. 19 Have you seen this document before? 20 A. Nope. 21 Q. Okay. And by -- let me ask you this. 22 Has NuStar seen this document before? 23 A. Nope. 24 Q. Okay. You're saying that on behalf of 25 the company; right?</p>	<p style="text-align: right;">Page 305</p> <p>1 populate this list with whether names and Social 2 Security numbers proffered by the company in its 3 interrogatories matched their records? 4 A. No. 5 Q. Okay. Is the company -- Just to be 6 clear we're talking about the company, is the 7 company aware of the fact that the Social 8 Security Administration did this? 9 THE WITNESS: What does he mean? 10 Q. I'm asking you to testify on behalf of 11 the company. Was anybody aware of this? 12 THE WITNESS: I don't -- I don't 13 understand what he's saying. 14 A. I don't understand what you're saying. 15 I said no. 16 Q. I know you said no. I'm just making 17 sure you're testifying on behalf of the company. 18 Does the company -- anybody, which I think would 19 be your dad, your mom, you or Lori; right? Any 20 of them -- 21 A. To my recollection, no. 22 Q. Okay. 23 A. That's -- Does that answer? Because I 24 don't know. I've never seen it, no. 25 Q. You personally --</p>

77 (Pages 302 - 305)

<p style="text-align: right;">Page 306</p> <p>1 A. To my recollection, I have never seen 2 it. 3 Q. You've never seen it, and nobody at 4 NuStar is aware of the fact that the Social 5 Security Administration was ordered to populate 6 this list with either a yes match or a no match? 7 A. Never heard -- Never knew they could 8 even do such a thing. 9 Q. Okay. I mean, take a look at some of 10 the names here. Like you have -- right here in 11 row 8 you see [REDACTED]. He's a 12 current employee; right? 13 A. Okay. 14 Q. He is; right? 15 A. Yes. 16 Q. And you see he came back as a no match 17 from the Social Security Administration? 18 A. Okay. 19 Q. All right. And you understand that 20 this means the Social Security Administration 21 said that for this name, number, and date of 22 birth they don't have a match in their records? 23 A. That -- I -- I don't know. That's what 24 this document says. 25 Q. Yeah. Okay.</p>	<p style="text-align: right;">Page 308</p> <p>1 correct mismatches with the Social Security 2 Administration? 3 A. What are you talking about? 4 MR. BISS: Hold on. Hold on. 5 Object to the form. 6 Go ahead. 7 Q. Because NuStar has never seen this 8 document before, NuStar has taken no actions as 9 a result of it; right? 10 A. We're not legally required -- I can't 11 do that. 12 Q. Okay. We'll explore -- 13 A. What the -- What the fact of the matter 14 is is that you said that we knowingly hired 15 undocumented workers. We did not. We did 16 exactly what the U.S. government told us what to 17 do. 18 Now, if you want to go out and 19 generate something that -- that I have no clue 20 of or -- or how it's even done, right, because 21 we milk cows, we do exactly what the government 22 said to do to a T for 14 years, we have nothing 23 to hide. We gave you every single document that 24 we have. Every single one of them. 25 You, on the other hand, Ryan</p>
<p style="text-align: right;">Page 307</p> <p>1 A. But the fact of the matter is, did we 2 do anything illegal? No. We collected 3 everything that we were supposed to do. We're 4 not the police. We don't -- We can't ask these 5 questions. If they're somehow -- You -- You 6 could ask the government, and they give you 7 everything that you want, which obviously that 8 happens. I have nothing to hide. We did 9 everything we were supposed to do. 10 Q. As you sort of scroll down this list, 11 and just -- you don't have to study it that 12 closely, but if you look at it, there's a lot of 13 names here that come back with no matches; 14 right? 15 A. What does that have to do with NuStar 16 Farms? 17 Q. I just want you to take a look at it. 18 Like do you see that a lot of the names of 19 NuStar's current and former employees came back 20 as no matches? 21 A. That's what this document says. I 22 don't know where it was generated from. 23 Q. Okay. And I take it because NuStar -- 24 because NuStar has never even seen this document 25 before, NuStar has taken no actions to try to</p>	<p style="text-align: right;">Page 309</p> <p>1 Lizza and Hearst Corp., has never ever produced 2 anything except for, "Oh, well, we only have a 3 60-day retention policy." So you have no 4 information. I give you everything that we have 5 knowingly and honestly, saying that we have 6 nothing to hide. And that's what we did. 7 Now, if you produce something 8 that says there's no match, I don't know. All I 9 know is legally we did everything we were 10 supposed to do, to the best of our ability, with 11 nothing to hide. 12 Q. Okay. Well, now that you have seen 13 Defendants' Exhibit 40, are you going to do 14 anything with it? 15 A. What is there to do? 16 Q. Are you going to try to resolve the 17 mismatches? 18 A. You're not the government. 19 MR. BISS: Object to the form. 20 A. I don't know what this is. 21 Q. Okay. Are you going to take any steps 22 to try to address the mismatches -- 23 MR. BISS: Object to the form. 24 A. I'm not going to get bullied by -- by a 25 bunch of political BS.</p>

78 (Pages 306 - 309)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 310</p> <p>1 Q. Okay.</p> <p>2 A. So you want to ruin -- So let me</p> <p>3 understand this. Ryan Lizza comes to my</p> <p>4 hometown, he wants to destroy -- destroy my</p> <p>5 brother and my farm; right? Is that correct?</p> <p>6 And then saying how much he cares about people</p> <p>7 and how he wants -- everybody wants kumbaya, we</p> <p>8 love everybody, but all they want to do is</p> <p>9 destroy people. They're hatred. Hateful, vile</p> <p>10 people.</p> <p>11 MR. BOYER: What was my question?</p> <p>12 A. Very vile people --</p> <p>13 Q. I'm sorry.</p> <p>14 A. -- that don't want to help anybody.</p> <p>15 We're out here producing</p> <p>16 something, being productive citizens, producing</p> <p>17 a good wholesome product so people can survive,</p> <p>18 producing with -- with that milk we give</p> <p>19 families money so they can survive and live.</p> <p>20 What does Ryan Lizza do? He</p> <p>21 doesn't do anything productive. Or the Hearst</p> <p>22 Corp. All they're doing is sending out a whole</p> <p>23 bunch of stuff and throwing it at the wall for</p> <p>24 political organizations to try to beat the crap</p> <p>25 out of us for no reason.</p>	<p style="text-align: right;">Page 312</p> <p>1 A. I did answer.</p> <p>2 Q. Are you going to take any steps to</p> <p>3 address the mismatches? You did not answer.</p> <p>4 A. I'm not going to get bullied by a bunch</p> <p>5 of -- a bunch of people that have a political</p> <p>6 agenda.</p> <p>7 Q. Is the answer no, you're not --</p> <p>8 A. Is the answer no? I don't know what</p> <p>9 this paper is.</p> <p>10 MR. BISS: I mean, Nate, what</p> <p>11 mismatches? What are you talking about?</p> <p>12 Q. Mr. Nunes, are you going to do anything</p> <p>13 with the information that is contained in</p> <p>14 Defendants' 40?</p> <p>15 A. What is there to do? What can I do?</p> <p>16 Q. What --</p> <p>17 A. You're asking me what I'm going to do.</p> <p>18 What can I do?</p> <p>19 Q. Well, let me ask you this. Are you</p> <p>20 going to go ask the employees who have been --</p> <p>21 who are your current employees who came back as</p> <p>22 noes, "Hey, the Social Security</p> <p>23 Administration" --</p> <p>24 A. So I do believe --</p> <p>25 Q. Stop. Stop.</p>
<p style="text-align: right;">Page 311</p> <p>1 Q. Anything else?</p> <p>2 MR. BISS: What's your next</p> <p>3 question?</p> <p>4 MR. BOYER: What was my last</p> <p>5 question, is actually what I want to know right</p> <p>6 now.</p> <p>7 A. What was I going to do? I'm legally</p> <p>8 not bound to do anything. I did legally what I</p> <p>9 was supposed to do. That was your question.</p> <p>10 MR. BOYER: What was it? I can't</p> <p>11 remember.</p> <p>12 (Requested portion of the record</p> <p>13 was read.)</p> <p>14 MR. BISS: Object to the form.</p> <p>15 MR. BOYER: What was the answer?</p> <p>16 I'm sorry.</p> <p>17 (Requested portion of the record</p> <p>18 was read.)</p> <p>19 Q. Okay. So I'll just repeat the</p> <p>20 question. Are you going to take any steps to</p> <p>21 address the mismatches?</p> <p>22 MR. BISS: Object to the form.</p> <p>23 Q. It's a yes or no question.</p> <p>24 MR. BISS: Not really.</p> <p>25 Q. Are you going to answer?</p>	<p style="text-align: right;">Page 313</p> <p>1 A. Oh, I'm sorry.</p> <p>2 Q. Let me ask my question.</p> <p>3 A. I'm sorry.</p> <p>4 Q. That the Social Security Administration</p> <p>5 came back with a no match, you know, "Is there a</p> <p>6 problem?" Are you going to check your records,</p> <p>7 how about that, to say is there a typographical</p> <p>8 error in our records? Are you going to do that?</p> <p>9 A. So let me -- let me understand this.</p> <p>10 So you produced this.</p> <p>11 Q. No. The Social Security Administration</p> <p>12 produced the document.</p> <p>13 A. You had this produced. This was also</p> <p>14 produced by you guys.</p> <p>15 Q. No. The Social Security Administration</p> <p>16 produced that.</p> <p>17 A. Oh, they did that too? Never seen</p> <p>18 nothing before, prior to this event of -- of the</p> <p>19 story written. Right here it says I cannot do</p> <p>20 anything.</p> <p>21 Q. Okay.</p> <p>22 A. So you're asking me to do something</p> <p>23 that's illegal once again?</p> <p>24 Q. No. I am asking -- Well, I'm not, but</p> <p>25 put that aside, whether you think it's illegal</p>

79 (Pages 310 - 313)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 80 of 125

App. 201

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 314</p> <p>1 or not, please just answer my question. Please.</p> <p>2 Start off --</p> <p>3 A. I'm not going to do anything illegal.</p> <p>4 Q. Are you going to check NuStar's records</p> <p>5 to see if there's any typographical errors,</p> <p>6 let's start there, that might have caused the</p> <p>7 mismatches? Are you going to check the records?</p> <p>8 A. Are you going to retract your story so</p> <p>9 then we quit getting stuff like this?</p> <p>10 MR. BOYER: Move to strike.</p> <p>11 Q. Please answer my question.</p> <p>12 A. I can't answer your question. I don't</p> <p>13 know how to answer your question.</p> <p>14 Q. Are you just not going to answer my</p> <p>15 question?</p> <p>16 A. I answered your question. You don't</p> <p>17 like my answer.</p> <p>18 Q. Your answer was not an answer. Are you</p> <p>19 going to check NuStar's records to see if there</p> <p>20 were any typographical errors that might have</p> <p>21 caused the mismatches?</p> <p>22 A. Yeah. I think we already have. But I</p> <p>23 can't answer that question. You're going to</p> <p>24 have to ask Lori.</p> <p>25 Q. Okay. So you think Lori has done --</p>	<p style="text-align: right;">Page 316</p> <p>1 (Exhibits 41 and 42 were marked</p> <p>2 for identification by the reporter.)</p> <p>3 THE VIDEOGRAPHER: We are back on</p> <p>4 the record. This is the beginning of Media Unit</p> <p>5 Number 5. The time is 4:40.</p> <p>6 Q. Mr. Nunes, you've been handed a couple</p> <p>7 documents marked as Defendants' 41 and</p> <p>8 Defendants' 42. My first question is who has</p> <p>9 the e-mail address nustarfarms@mtcnet.net?</p> <p>10 A. NuStar Farms does.</p> <p>11 Q. Okay. Is that managed by you or your</p> <p>12 father or both?</p> <p>13 A. It's all -- It's all -- It's just one</p> <p>14 group e-mail.</p> <p>15 Q. Okay. So there were a handful of</p> <p>16 e-mails now that we've received, communications</p> <p>17 with folks at Brown Winick, particularly in May</p> <p>18 of 2021, and then some in June of 2021 as well.</p> <p>19 A. Okay.</p> <p>20 Q. Who was communicating with Brown Winick</p> <p>21 through this e-mail account?</p> <p>22 A. I was.</p> <p>23 Q. You were? This was you?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. Let's take a look at -- In fact,</p>
<p style="text-align: right;">Page 315</p> <p>1 taken actions in response to Defendants' 40?</p> <p>2 A. I assume she looked at whatever she</p> <p>3 needed to look at.</p> <p>4 Q. Okay. You're pointing --</p> <p>5 A. I'm not in charge of that.</p> <p>6 Q. You're pointing at Defendants' 39 or 38</p> <p>7 right now?</p> <p>8 A. Does it matter?</p> <p>9 Q. It well, it does, actually.</p> <p>10 A. Okay.</p> <p>11 Q. You assume -- You think she did take</p> <p>12 some actions in response to Defendants' --</p> <p>13 A. You'll have to ask Lori.</p> <p>14 Q. Okay.</p> <p>15 A. I can't say.</p> <p>16 Q. Fine.</p> <p>17 MR. BISS: Nate, are you at a</p> <p>18 good point where we can take a break?</p> <p>19 MR. BOYER: Yeah, why don't we</p> <p>20 take a break now.</p> <p>21 MR. BISS: All right. Thank you.</p> <p>22 THE VIDEOGRAPHER: This is the</p> <p>23 end of Media Unit Number 4. The time is 4:20.</p> <p>24 We are off the record.</p> <p>25 (A recess was taken.)</p>	<p style="text-align: right;">Page 317</p> <p>1 let's start with number 42. Okay? So it starts</p> <p>2 off -- if you look at number -- if you look at</p> <p>3 e-mail 42 and you go to the end, sort of the</p> <p>4 bottom of the chain for the oldest e-mail, and</p> <p>5 it starts off by saying -- from what I could</p> <p>6 tell, it seems like you were writing to Michael</p> <p>7 Blaser. You write "Can you call me tonight? At</p> <p>8 a loss here." It appears on the top of page 3.</p> <p>9 A. Oh, okay.</p> <p>10 Q. Do you see that?</p> <p>11 A. Oh, okay.</p> <p>12 Q. Yeah.</p> <p>13 A. Um-hum.</p> <p>14 Q. And did you talk with Michael Blaser</p> <p>15 that night?</p> <p>16 A. I don't know if I talked to him that</p> <p>17 night or the next day. I don't know.</p> <p>18 Q. What did you talk to him about?</p> <p>19 A. It must have been the deposition, to</p> <p>20 get somebody to do that.</p> <p>21 Q. All right. Because this was after</p> <p>22 Justin Allen was no longer representing [REDACTED]</p> <p>23 right?</p> <p>24 A. Yeah.</p> <p>25 Q. And what's your -- well, what's your</p>

80 (Pages 314 - 317)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 81 of 105

App. 202

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 318</p> <p>1 understanding of why Justin Allen no longer 2 represented any of the employees? 3 A. I don't -- I don't know. I don't know 4 if he was representing NuStar Farms or if he was 5 representing the employees. There was some -- I 6 don't know what he was doing there. 7 Q. Okay. Was there confusion as to the 8 role that he had? 9 A. Yeah. 10 Q. Okay. 11 A. Yeah. 12 Q. Okay. And was the confusion that your 13 expectation was that he would represent NuStar 14 Farms but he was -- 15 A. I don't -- I don't know. I don't know 16 how that works. 17 Q. Okay. 18 A. That's why I talked to Michael Blaser, 19 because he's our -- he's our attorney. 20 Q. Got it. Okay. And it goes on a couple 21 e-mails up -- well, why don't we take them one 22 at a time. The next e-mail up Michael Blaser 23 says "Understood that he left already unless 24 your counselor wanted one deposition completed?" 25 And then you responded "No, I</p>	<p style="text-align: right;">Page 320</p> <p>1 The next e-mail is about suggesting somebody 2 named Jen Lindberg. He says it's a four-hour 3 drive. "Can your attorney who brought the case 4 find someone closer to Sibley?" 5 And then you say "That's the 6 problem. We can't find anybody that will do it 7 locally." 8 So at that point in time NuStar 9 was trying to contact other counsel to -- 10 A. Oh, we've been trying, but every time 11 we do something that somebody says yeah, it's 12 like these little minions go out there because 13 it's all political and they tell them, "Oh" -- 14 and then all of a sudden they're like, "Oh, I 15 don't want to do it." They say yes, and then 16 they go, "Oh, I don't want to do it." 17 Q. Right. And this -- And you mean this 18 was happening prior to May 13th; right? That's 19 what -- 20 A. Right. Because I didn't want to use -- 21 we were just trying to find somebody local. I 22 didn't want anybody. All I needed was -- I 23 didn't want those guys going in there and 24 getting steamrolled because Mr. Biss could not 25 be here. So I didn't want them going in there</p>
<p style="text-align: right;">Page 319</p> <p>1 just need an attorney to help us tomorrow. Just 2 wanted to know if you could help. Try to 3 rectify the problem." 4 What is the problem you're 5 referring to there? 6 A. Well, they had to -- Mr. Biss shut down 7 the meeting. 8 Q. Right. Okay. So what -- what was the 9 problem that had arisen that you needed 10 rectified? 11 A. That Mr. Biss wanted to stop it 12 because -- 13 Q. Okay. And he wanted to stop it with 14 Justin Allen as the lawyer? 15 A. I don't know what role he was playing 16 and what he was supposed to be doing. There was 17 a big miscommunication there. Blaser wasn't 18 available to talk to because he had depositions. 19 I really don't know what -- what was going on 20 there. 21 Q. Got it. 22 A. So was he representing NuStar Farms? 23 Was he representing the employees? We don't 24 know. 25 Q. So let's move up a little bit here.</p>	<p style="text-align: right;">Page 321</p> <p>1 by themselves alone. 2 I can't tell them what to say. 3 As an employer, I didn't want to be in there. I 4 wanted them to be truthful and tell them what 5 they needed to say. And I didn't want them to 6 go in there by themselves. But since it's all 7 political, I can't find anybody to do it because 8 most -- like 85 percent of -- of attorneys 9 are -- are not Republican. And that's all this 10 is. It's a total hit piece. 11 And so they sent out their 12 minions. Somebody will say yes, and then all of 13 a sudden you guys find out, and then all of a 14 sudden they want to quit. They go, "Oh, we 15 don't want to do it." 16 Q. So just to be clear, your understanding 17 is that attorneys were unwilling to represent 18 the employees because they were Democrats or at 19 least not Republicans? 20 A. Yeah. It's a hit piece. That whole 21 thing -- this whole thing is all political. 22 There's nothing about it that's -- that's legit. 23 Everybody that looks at it goes "This is all -- 24 This is crazy." It's like "Yeah, I know." 25 Q. Is that what was communicated to you by</p>

81 (Pages 318 - 321)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 86 of 125

App. 203

<p style="text-align: right;">Page 322</p> <p>1 some of these attorneys you reached out to?</p> <p>2 A. Um-hum.</p> <p>3 Q. Is that what -- they said, "I'm not</p> <p>4 going to do it because I'm not a Republican"?</p> <p>5 A. They don't have to.</p> <p>6 Q. Okay. Well, what were the reasons they</p> <p>7 provided for not doing it?</p> <p>8 A. They go, "Oh, well" -- they say they</p> <p>9 want to do it, and then they don't.</p> <p>10 Q. Okay. So I'm aware of this -- what</p> <p>11 you're talking about, saying they'll do it,</p> <p>12 happening with the Brown Winick firm. I'm aware</p> <p>13 of it happening with a guy named Dan Shuck.</p> <p>14 A. There was some other ones in between.</p> <p>15 Q. And there's some other ones in between?</p> <p>16 A. Yep. Because we tried everything. But</p> <p>17 I didn't want the employees to go in there by</p> <p>18 themselves. There was -- That's asinine. You</p> <p>19 don't -- They don't need to go in there by</p> <p>20 themselves without any representation, just to</p> <p>21 be covered. And then you guys take and run with</p> <p>22 it and like, "Oh, they need something." All of</p> <p>23 a sudden you guys care about them. You guys</p> <p>24 don't give two shits about my employees.</p> <p>25 I love those guys. I want those</p>	<p style="text-align: right;">Page 324</p> <p>1 Q. Okay.</p> <p>2 A. Because I don't know what happened</p> <p>3 inside there. All I know is Mr. Biss shut it</p> <p>4 down, and it wasn't right. And after that, we</p> <p>5 couldn't -- they couldn't do any -- we</p> <p>6 couldn't -- nothing.</p> <p>7 Q. And nobody --</p> <p>8 A. It's like you guys sent out your</p> <p>9 minions, and everybody is like -- they're like</p> <p>10 cockroaches fleeing.</p> <p>11 Q. Who are our minions?</p> <p>12 A. That's a good question.</p> <p>13 Q. Well, you were referring to that.</p> <p>14 A. Because all your -- it's attorneys talk</p> <p>15 amongst each other --</p> <p>16 Q. I'm in --</p> <p>17 A. -- just like the dairy people all talk.</p> <p>18 Q. I'm very interested to find out who my</p> <p>19 minions are. I mean, do you know</p> <p>20 specifically -- are you thinking about specific</p> <p>21 people, quote, unquote?</p> <p>22 A. No.</p> <p>23 Q. Okay. You're just assuming that we</p> <p>24 have minions?</p> <p>25 A. Obviously.</p>
<p style="text-align: right;">Page 323</p> <p>1 guys taken care of. They're awesome. They're</p> <p>2 great human beings. Hard workers. All I ever</p> <p>3 wanted to do -- All I ever got since 2018 is</p> <p>4 everybody -- you guys are trying to destroy</p> <p>5 them.</p> <p>6 Q. Okay. So let's take a look at</p> <p>7 Defendants' Exhibit 41. I just want to go with</p> <p>8 the very top e-mail on the first page. This is</p> <p>9 where I believe you are writing to Blaser "It</p> <p>10 starts at noon today," meaning the deposition</p> <p>11 that was set to start that day. "We just want</p> <p>12 somebody by their side. Biss will do all the</p> <p>13 work."</p> <p>14 I take it that's what you were</p> <p>15 saying earlier, that what you were looking for</p> <p>16 was sort of a company lawyer to sort of be there</p> <p>17 to accompany the employees?</p> <p>18 A. I don't understand how it is, because</p> <p>19 they start talking about something else, and I</p> <p>20 don't understand it. All I know is Biss -- or</p> <p>21 Blaser is our guy, and -- and I know he's good</p> <p>22 and -- and a reputable person. They sent</p> <p>23 somebody else out because Blaser was busy, and</p> <p>24 the whole thing just totally went AWOL. I don't</p> <p>25 even understand.</p>	<p style="text-align: right;">Page 325</p> <p>1 Q. Okay. Very well.</p> <p>2 MR. BOYER: Let's mark the next</p> <p>3 one.</p> <p>4 (Exhibit 43 was marked for</p> <p>5 identification by the reporter.)</p> <p>6 MR. BOYER: So first of all, just</p> <p>7 to acknowledge for the record, Mr. Biss, this</p> <p>8 document which was just marked as Defendants' 43</p> <p>9 you designated as counsel's eyes only. So I</p> <p>10 think you might have mentioned that off the</p> <p>11 record. I just wanted to mention that on the</p> <p>12 record for you right there.</p> <p>13 MR. BISS: Thank you. I</p> <p>14 appreciate that.</p> <p>15 Q. You've been handed a document that's</p> <p>16 been marked as Defendants' Exhibit 43. This was</p> <p>17 produced to us this morning. I don't really</p> <p>18 feel the need to go over it in detail, but I</p> <p>19 just want to talk generally. Is this -- Is this</p> <p>20 the application that you have employees fill</p> <p>21 out -- or strike that.</p> <p>22 Is this the application that you</p> <p>23 have prospective employees fill out?</p> <p>24 A. This is a really old one, when we first</p> <p>25 started. They were already there.</p>

82 (Pages 322 - 325)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 326</p> <p>1 Q. Gotcha.</p> <p>2 A. We just utilized what was there.</p> <p>3 Q. And I think it says "Sibley Dairy LLP"</p> <p>4 at the top.</p> <p>5 A. Yeah. That's correct.</p> <p>6 Q. Right. So this was probably a form</p> <p>7 that was used by the prior dairy?</p> <p>8 A. Yeah.</p> <p>9 Q. Got it. And you've made changes to the</p> <p>10 form over the years?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So it looks a lot different than</p> <p>13 it does here today?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. There's questions on here we can't</p> <p>17 answer -- we can't -- we can't ask.</p> <p>18 Q. Gotcha. What are some of the questions</p> <p>19 on here that you can't ask?</p> <p>20 A. We legally can't ask them if they're</p> <p>21 legal resident citizens of the United States.</p> <p>22 Q. Got it.</p> <p>23 A. And I don't think we could ask them if</p> <p>24 they have felonies either, I don't think.</p> <p>25 Q. How did you learn that you can't ask</p>	<p style="text-align: right;">Page 328</p> <p>1 Q. Okay. Gotcha. So she's the one who is</p> <p>2 focusing more on that, and she's the one more</p> <p>3 knowledgeable about those --</p> <p>4 A. Entering the data in, yes.</p> <p>5 Q. Got it. Because she'll take the</p> <p>6 information on the I-9 and then enter it into</p> <p>7 the systems; right?</p> <p>8 A. That's correct.</p> <p>9 Q. Gotcha. Does she -- Oh, who actually</p> <p>10 makes the copies of the IDs?</p> <p>11 A. I would.</p> <p>12 Q. You do? Okay. And then you hand that</p> <p>13 copy off to Lori?</p> <p>14 A. Um-hum.</p> <p>15 Q. Because it's part of the I-9 package?</p> <p>16 A. It's all part of the package.</p> <p>17 Q. Gotcha. And I'm sorry, you said</p> <p>18 "Um-hum" in response to two questions.</p> <p>19 A. Yes.</p> <p>20 Q. Yes. Thank you. I know it's annoying,</p> <p>21 but we've got to do it for the court reporter.</p> <p>22 Okay. And does she look at the</p> <p>23 IDs as well, or is that not what she does?</p> <p>24 A. I don't know what she -- I don't know</p> <p>25 if she looks at the IDs or not. I assume she --</p>
<p style="text-align: right;">Page 327</p> <p>1 those questions?</p> <p>2 A. Because we showed Amanda.</p> <p>3 Q. Okay. Is Amanda sort of your -- your</p> <p>4 go-to on issues of sort of compliance?</p> <p>5 A. She's an immigration attorney.</p> <p>6 Q. Immigration lawyer. Right. Yeah.</p> <p>7 Speaking of compliance -- You can set that aside</p> <p>8 now. We don't need to talk about it anymore.</p> <p>9 Speaking of compliance, I can</p> <p>10 only just make sure I understand the division of</p> <p>11 labor between you and Lori when it comes to sort</p> <p>12 of the intake of documents and applications;</p> <p>13 right? I remember you talking about you were</p> <p>14 the -- you, Anthony Nunes, III, are the one who</p> <p>15 will review those documents?</p> <p>16 A. Um-hum.</p> <p>17 Q. Or review the IDs that are presented;</p> <p>18 right?</p> <p>19 A. Um-hum.</p> <p>20 Q. Is that correct?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. Is Lori Nunes sort of more</p> <p>23 responsible for the compliance with the</p> <p>24 paperwork, the I-9 paperwork itself?</p> <p>25 A. I would say yes.</p>	<p style="text-align: right;">Page 329</p> <p>1 she probably looks to make sure that the numbers</p> <p>2 are right, that everything matches up.</p> <p>3 Q. Okay. Got it. We've -- You've said it</p> <p>4 repeatedly, you have produced all the records</p> <p>5 that you have, all the I-9 records and</p> <p>6 supporting documents; right?</p> <p>7 A. 100 percent of all the records that we</p> <p>8 have we produced.</p> <p>9 Q. And if you didn't produce it, you don't</p> <p>10 have it; right?</p> <p>11 A. We don't have it.</p> <p>12 Q. Gotcha. Okay. So if there's workers</p> <p>13 who appeared on the interrogatory responses who</p> <p>14 are listed there as having been employees but we</p> <p>15 did not receive the I-9s and supporting</p> <p>16 documents for them, then for those people, they</p> <p>17 were employees, but you just don't have the</p> <p>18 records for them?</p> <p>19 A. Yeah. There's -- For some reason, the</p> <p>20 information is missing.</p> <p>21 Q. Okay. Got it.</p> <p>22 A. It's still pretty impressive we have</p> <p>23 14 -- we have that many employees and have all</p> <p>24 that information.</p> <p>25 Q. So let's talk -- we talked a little bit</p>

83 (Pages 326 - 329)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 84 of 125

App. 205

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 330</p> <p>1 about the audit earlier that was conducted in</p> <p>2 2018 with Ms. Bahena; right?</p> <p>3 A. Okay.</p> <p>4 Q. I'm actually going to cross off some</p> <p>5 questions we've addressed already. Let's move</p> <p>6 quickly through this.</p> <p>7 Tell me about what that process</p> <p>8 was for the audit. Did Ms. Bahena -- Did</p> <p>9 Ms. Bahena review the documents in hard copy or</p> <p>10 electronically?</p> <p>11 A. Hard copies.</p> <p>12 Q. Okay. Where did she review them?</p> <p>13 A. Our office.</p> <p>14 Q. So she came to the farm, went to the</p> <p>15 office and reviewed them?</p> <p>16 A. I do believe she came with -- with an</p> <p>17 assistant.</p> <p>18 Q. Got it. Okay. So you kind of just</p> <p>19 pulled the files, gave them to her, gave them</p> <p>20 the conference room, and she did her thing;</p> <p>21 right?</p> <p>22 A. Yep.</p> <p>23 Q. Got it. And the files that I was just</p> <p>24 referring to would have been exactly the sorts</p> <p>25 of I-9s with supporting documents --</p>	<p style="text-align: right;">Page 332</p> <p>1 they want to -- you know, I don't recall</p> <p>2 exactly.</p> <p>3 Q. Okay. This is sort of, you know,</p> <p>4 the -- I guess you could say sort of what the</p> <p>5 process would be; right? You kind of talked</p> <p>6 about --</p> <p>7 A. Yeah. I just wanted a generalization</p> <p>8 of what was -- we were going through. I do</p> <p>9 remember talking about certain things that we</p> <p>10 can and can't do. We had a little brief deal --</p> <p>11 well, I come in -- I think we had a brief</p> <p>12 conversation about dos and don'ts. I do</p> <p>13 remember applications. She asked for an</p> <p>14 application. I got that for her. But I</p> <p>15 don't -- I don't recall exactly.</p> <p>16 Q. Okay. So she asked for an application</p> <p>17 She asked for an application to review that;</p> <p>18 right?</p> <p>19 A. Yeah. Yeah.</p> <p>20 Q. Okay.</p> <p>21 A. Because we can't ask the -- we can't</p> <p>22 ask certain things. And I don't want to do</p> <p>23 anything illegal.</p> <p>24 Q. Did she ask you for an employee roster</p> <p>25 or a list of employees?</p>
<p style="text-align: right;">Page 331</p> <p>1 A. Everything that we had.</p> <p>2 Q. -- we were looking at; right?</p> <p>3 Okay. Do you -- Did Ms. Bahena</p> <p>4 conduct any interviews of anybody?</p> <p>5 A. No.</p> <p>6 Q. Okay. Did --</p> <p>7 A. I don't think -- I don't -- I don't</p> <p>8 think so.</p> <p>9 Q. Okay.</p> <p>10 A. Let me rephrase.</p> <p>11 Q. Okay. Sure.</p> <p>12 A. I don't recall.</p> <p>13 Q. That's fine. All right. Well, did she</p> <p>14 interview you? We'll start there. You would</p> <p>15 know that.</p> <p>16 A. I just talked to her for a few minutes.</p> <p>17 Lori -- Lori worked on most of that because it's</p> <p>18 all paper stuff. I wasn't -- I wasn't really</p> <p>19 involved a lot with that. I was mostly working</p> <p>20 outside, cows.</p> <p>21 Q. Okay. And what did you discuss with</p> <p>22 her?</p> <p>23 A. I think they just went over -- it was</p> <p>24 just general -- I don't recall exactly. There's</p> <p>25 just general what you're going to go over, what</p>	<p style="text-align: right;">Page 333</p> <p>1 A. Yeah. Yeah. She went through all</p> <p>2 the -- all the current employees and the ones --</p> <p>3 all the way up to the one -- I think she went</p> <p>4 through most of them. I don't know if she went</p> <p>5 through all the older ones, but I know she went</p> <p>6 at least a year -- the ones that are super</p> <p>7 critical.</p> <p>8 Q. Okay.</p> <p>9 A. I do believe they reviewed all those,</p> <p>10 but you would have to ask Lori.</p> <p>11 Q. Got it. Okay. So -- So first of all,</p> <p>12 big picture, it sounds like the person with the</p> <p>13 most knowledge about this would -- at NuStar</p> <p>14 would be Lori; right?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. So now let me just make sure,</p> <p>17 all these -- this conversation we've been having</p> <p>18 basically would have been about Anthony Nunes,</p> <p>19 III, and his knowledge; right?</p> <p>20 A. Um-hum.</p> <p>21 Q. Okay. Good. So let's just make sure I</p> <p>22 understand all of your knowledge on this.</p> <p>23 How -- How often -- For how long did you meet</p> <p>24 with Ms. Bahena?</p> <p>25 A. Me personally?</p>

84 (Pages 330 - 333)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 85 of 125

App. 206

<p style="text-align: right;">Page 334</p> <p>1 Q. You personally. Yep.</p> <p>2 A. It was a very short time. 20 minutes,</p> <p>3 30 minutes. I don't -- I don't recall.</p> <p>4 Q. Okay. And there was some dos and some</p> <p>5 don'ts she talked about during those 20 or 30</p> <p>6 minutes?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you remember what they were?</p> <p>9 MR. BISS: Are you asking him to</p> <p>10 tell you what the attorney told them?</p> <p>11 MR. BOYER: Yes.</p> <p>12 MR. BISS: Okay. I'm going to</p> <p>13 instruct him not to answer that question.</p> <p>14 MR. BOYER: Okay. Mr. Biss, I</p> <p>15 think at this point we've squarely put the</p> <p>16 matters at issue, but -- I mean, through his</p> <p>17 testimony so far today, but I understand your</p> <p>18 instruction.</p> <p>19 Q. Mr. Nunes --</p> <p>20 A. You'd have to refer to Lori --</p> <p>21 Q. Okay.</p> <p>22 A. -- on all that stuff.</p> <p>23 She knows best.</p> <p>24 Q. Okay. So just to be clear, I think the</p> <p>25 last question --</p>	<p style="text-align: right;">Page 336</p> <p>1 probably waived by now.</p> <p>2 Q. In any event -- Okay. So were you in</p> <p>3 the room while Ms. Bahena was doing her work</p> <p>4 with the documents?</p> <p>5 A. Just a few minutes, like I told you.</p> <p>6 Q. Okay. Got it. And what, if anything,</p> <p>7 did you do in response to Ms. Bahena's audit?</p> <p>8 A. I didn't do -- I personally didn't do</p> <p>9 anything. Lori -- Lori made changes.</p> <p>10 Q. Okay.</p> <p>11 A. It was mostly -- It was just paperwork.</p> <p>12 Q. Okay.</p> <p>13 A. I think there was a lot of -- there was</p> <p>14 clerical errors, where we're supposed to fill</p> <p>15 in, where we're not.</p> <p>16 Q. Got it. I saw -- I see on a lot of</p> <p>17 documents there's notations that say per audit</p> <p>18 in 2018 or something like that.</p> <p>19 A. Right.</p> <p>20 Q. Right.</p> <p>21 A. And they -- the -- we already sent all</p> <p>22 that stuff over to the court, and they said that</p> <p>23 you can't -- it was all attorney-client</p> <p>24 privileges.</p> <p>25 Q. Okay. Got it. I think in a lot of</p>
<p style="text-align: right;">Page 335</p> <p>1 MR. BOYER: And I understand you</p> <p>2 may instruct your witness, and we'll go from</p> <p>3 there, Mr. Biss, but I'll just get it on the</p> <p>4 record to make sure it's clean.</p> <p>5 Q. The last question was what did you</p> <p>6 discuss with Ms. Bahena during that 20- to</p> <p>7 30-minute meeting that you had.</p> <p>8 MR. BOYER: And, Mr. Biss?</p> <p>9 MR. BISS: Yeah. And I think</p> <p>10 you're asking him to disclose what legal advice</p> <p>11 the lawyer gave to the client, so --</p> <p>12 THE WITNESS: That's what I</p> <p>13 understand.</p> <p>14 MR. BISS: Hold on. So I'm</p> <p>15 instructing him not to answer that question.</p> <p>16 MR. BOYER: Okay.</p> <p>17 Q. And, Mr. Nunes, am I correct that</p> <p>18 you're going to follow your lawyer's</p> <p>19 instruction?</p> <p>20 A. 100 percent correct.</p> <p>21 MR. BOYER: Okay. And, you know,</p> <p>22 we can obviously talk about it offline, and</p> <p>23 we've got more depositions coming up, but I</p> <p>24 think there might be a point here, Mr. Biss,</p> <p>25 that at least a lot of what happened in this was</p>	<p style="text-align: right;">Page 337</p> <p>1 those documents there might be notations that</p> <p>2 say per audit 2018, but then you were the one</p> <p>3 who would ultimately sign at the bottom in</p> <p>4 November of 2018 the employer certification?</p> <p>5 A. Okay.</p> <p>6 Q. Is that -- Do you remember signing a</p> <p>7 lot of things in November 2018?</p> <p>8 A. Yes. Because I had -- we had to fix</p> <p>9 it. Because I was the one that verified the</p> <p>10 documents.</p> <p>11 Q. Got it.</p> <p>12 A. Lori can't just sign it, because she</p> <p>13 didn't do it.</p> <p>14 Q. And at that point what you were</p> <p>15 doing -- Did you -- Let me ask -- Strike that.</p> <p>16 Let me ask this. What you were</p> <p>17 verifying at that time was the copies of the</p> <p>18 documents that you had on file; right?</p> <p>19 A. The legal requirement we're supposed to</p> <p>20 take. And we have the strict protocol of</p> <p>21 getting Social Security -- a Social Security</p> <p>22 card and a photo ID.</p> <p>23 Q. Okay. Got it. Did you go back to the</p> <p>24 employees and say, "I want to look at the</p> <p>25 original," or did you just look at the copy?</p>

85 (Pages 334 - 337)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 338</p> <p>1 A. I didn't have to. I already -- I</p> <p>2 already verified it. I know that I looked at</p> <p>3 it.</p> <p>4 Q. Okay. Let me just break -- I'm sorry.</p> <p>5 Let me just make sure I got that. So you recall</p> <p>6 having looked at the documents when they were</p> <p>7 presented to you when they first applied to be</p> <p>8 hired?</p> <p>9 A. I looked at them.</p> <p>10 Q. Gotcha. So then --</p> <p>11 A. There's no other way to get around it.</p> <p>12 This is strict protocol. We always do the same</p> <p>13 thing.</p> <p>14 Q. Understood. Then you get to the audit</p> <p>15 and changes need to be made to the forms; right?</p> <p>16 And Lori makes those corrections; right?</p> <p>17 A. I had to sign some.</p> <p>18 Q. And then you had to sign them; right?</p> <p>19 A. There was no other corrections.</p> <p>20 Q. Got it.</p> <p>21 A. I mean, I don't -- I don't know what</p> <p>22 other corrections there may be. I had to sign</p> <p>23 some papers that -- we just didn't do the</p> <p>24 signatures on our end. Every -- They -- The</p> <p>25 paperwork was already filled out --</p>	<p style="text-align: right;">Page 340</p> <p>1 Q. Okay. Do you remember her discussing</p> <p>2 with you the letter from Ms. Bahena at all?</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay. Did Ms. Bahena do any other work</p> <p>5 on this 2018 audit other than what we just</p> <p>6 described?</p> <p>7 A. I -- I don't think so.</p> <p>8 Q. Lori would know best, though; right?</p> <p>9 A. Yeah. I don't know.</p> <p>10 Q. Okay. Any other work that Ms. Bahena</p> <p>11 has done in connection with immigration stuff</p> <p>12 since then?</p> <p>13 A. I know we -- we talked to her about</p> <p>14 questions.</p> <p>15 Q. Okay. Got it. Have you ever had any</p> <p>16 conversations with Devin Nunes about the 2018</p> <p>17 audit?</p> <p>18 A. No.</p> <p>19 Q. Okay. Not the fact that you were going</p> <p>20 to conduct it or the results? You never talked</p> <p>21 about that with him?</p> <p>22 A. No. Why would I?</p> <p>23 Q. I don't know.</p> <p>24 A. It's internal business. I don't -- I</p> <p>25 don't try to air out my -- what we're doing --</p>
<p style="text-align: right;">Page 339</p> <p>1 Q. Yeah.</p> <p>2 A. -- by the employee.</p> <p>3 We just didn't sign it. Well, we</p> <p>4 know what we did, because we do the same thing</p> <p>5 every time. I get the cards, I verify the</p> <p>6 cards, I copy the cards, we put the cards in the</p> <p>7 file.</p> <p>8 Q. Okay.</p> <p>9 A. Or the copies.</p> <p>10 Q. Gotcha. And Ms. Bahena, when she was</p> <p>11 doing her review, she was putting sticky notes</p> <p>12 or something on the documents; is that right?</p> <p>13 A. Yeah. That's correct.</p> <p>14 Q. Okay. Got it. And that's what you're</p> <p>15 referring to, that the court took a look at</p> <p>16 those sticky notes; right?</p> <p>17 A. (Nodding head.)</p> <p>18 Q. Okay. And there was also -- there was</p> <p>19 a letter that was delivered by Ms. Bahena on</p> <p>20 August 12th. Do you recall that letter?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you remember -- I think it</p> <p>23 was addressed to Lori Nunes. Do you remember</p> <p>24 reviewing it?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. Okay.</p> <p>2 A. -- to random people.</p> <p>3 Q. You didn't discuss it with him before</p> <p>4 he filed his lawsuit, right, against Hearst?</p> <p>5 A. Well --</p> <p>6 Q. He didn't -- Let me ask this. Let me</p> <p>7 ask you this question. Did he have any</p> <p>8 conversations with you about your labor</p> <p>9 practices before September of 2019?</p> <p>10 A. Devin has nothing to do with the dairy.</p> <p>11 I don't talk to him about operational --</p> <p>12 internal operations. I don't talk with anybody</p> <p>13 about internal operations.</p> <p>14 Q. Gotcha. So that means you did not talk</p> <p>15 with him at any point about NuStar's employment</p> <p>16 and hiring practices?</p> <p>17 A. That's -- That's not something that --</p> <p>18 that we talk about.</p> <p>19 Q. Okay.</p> <p>20 A. Once again, he has nothing to do with</p> <p>21 the farm. I'm not going to talk to somebody</p> <p>22 that has nothing to do with the farm about</p> <p>23 internal practices --</p> <p>24 Q. Okay.</p> <p>25 A. -- or issues.</p>

86 (Pages 338 - 341)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 87 of 125

App. 208

<p style="text-align: right;">Page 342</p> <p>1 (Exhibit 44 was marked for 2 identification by the reporter.) 3 Q. I'm handing you a document that has 4 been marked as Defendants' 44. So, Mr. Nunes, 5 this is an I-9 form for somebody named [REDACTED] 6 [REDACTED] right? 7 A. That's what it says. 8 Q. Do you remember [REDACTED]? 9 A. No, I don't. 10 Q. Okay. 11 A. How long did he work for us? 12 Q. I actually don't know off the top of my 13 head. You can look it up if you want. 14 A. Yeah, I'll look it up. 15 Okay. 16 Q. Okay. 17 A. He worked for us for a really short 18 time. 19 Q. Gotcha. So that's why -- that's why 20 you don't remember [REDACTED]. It was very 21 short; right? 22 A. He didn't work very long. 23 Q. So -- 24 A. If I remember right, he was kind of a 25 big guy, if I do recall.</p>	<p style="text-align: right;">Page 344</p> <p>1 November 5th, 2018, if [REDACTED] documents 2 were not in NuStar's files? 3 A. You can't -- I don't know -- They could 4 have been in this file. 5 Q. You said it might have been in this 6 file at the time but then -- 7 A. Could have been. 8 Q. Okay. But then they -- So would you 9 have looked at [REDACTED] 10 A. We still do the -- oh, sorry. 11 Q. Sorry. 12 Would you have looked at 13 [REDACTED] documents at the time you 14 certified this in 2018? 15 A. No. But we don't hire anybody without 16 two forms -- you've got to have a Social 17 Security card and a photo ID. 18 Q. Got it. 19 A. Always. 20 Q. Understood. So you're confident that 21 they would have been presented by [REDACTED] 22 at the time he was hired. I understand that. 23 A. Unless this is the one guy that didn't, 24 this is the one person that never produced an 25 ID.</p>
<p style="text-align: right;">Page 343</p> <p>1 Q. Well, unfortunately we don't have a 2 photo ID so that we can see what he looks like. 3 There were no documents produced with this I-9 4 to us for [REDACTED] at least from our 5 review of the production. 6 A. Okay. 7 Q. Which kind of leads to a question I 8 have. So if you go to the second page where it 9 says "PX3079," and if you go down to the 10 certification area, right -- 11 A. Okay. 12 Q. First of all, you see the star, "Per 13 audit 11-5-2018" that presumably Lori Nunes 14 wrote right there; right? 15 A. Okay. 16 Q. Do you see that there? 17 A. I see it. 18 Q. Okay. And then below you sign and date 19 and write your name and your title in the 20 certification box; right? 21 A. That's correct. 22 Q. Gotcha. And you do that on 23 November 5th, 2018; right? Correct? 24 A. That's correct. 25 Q. Okay. What were you certifying on</p>	<p style="text-align: right;">Page 345</p> <p>1 Q. There was one person? 2 A. There was one person. 3 Q. Tell me about that. What do you 4 remember about that? 5 A. That's what I remember. 6 Q. Got it. And you hired the person? 7 A. We needed the cards. I don't know how 8 long they worked, like a day they were there. 9 Q. Oh, got it. So -- So bottom line, 10 there was somebody -- you needed a person for 11 very short-term work? 12 A. No. No. That's not true. I needed a 13 full-time employee. 14 Q. I see. You needed a full-time 15 employee. Got it. But you needed it pretty 16 badly. You needed the full-time employee pretty 17 badly, it sounded like, at that moment in time? 18 A. No, I never said that. 19 Q. Okay. So in any event, you did hire 20 one person without documents for full-time 21 employment? 22 A. I think they just worked for a short 23 period of time. I have their check still. 24 Q. Okay. Has NuStar performed any other 25 audits of its I-9s and related files other than</p>

87 (Pages 342 - 345)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 346</p> <p>1 the one that was performed by Ms. Bahena in the</p> <p>2 fall of 2018?</p> <p>3 A. No.</p> <p>4 Q. That's the only time NuStar has ever</p> <p>5 done it?</p> <p>6 A. Yes.</p> <p>7 Q. Has NuStar -- Other than this process</p> <p>8 we've talked a lot about today of maintaining</p> <p>9 the I-9s and checking the IDs that come in, has</p> <p>10 NuStar made any other attempts to confirm if</p> <p>11 their employees are, in fact, authorized to work</p> <p>12 in the United States?</p> <p>13 MR. BISS: Object to the form.</p> <p>14 A. We do what we're legally supposed to</p> <p>15 do. We get -- We go over and above what we're</p> <p>16 supposed to do. We get two forms of</p> <p>17 identification.</p> <p>18 Q. Got it. But I'm just saying is there</p> <p>19 anything else that NuStar does that we haven't</p> <p>20 talked about here today in order to confirm that</p> <p>21 its workers are authorized to work in the United</p> <p>22 States?</p> <p>23 A. We do legally what we're supposed to</p> <p>24 do.</p> <p>25 Q. I understand that's your understanding</p>	<p style="text-align: right;">Page 348</p> <p>1 no call when workers don't show up?</p> <p>2 A. No.</p> <p>3 Q. Does it happen sometimes?</p> <p>4 A. What do you -- What does that mean?</p> <p>5 Q. Does it have like a -- you know, if</p> <p>6 this happens so many times, then you're fired or</p> <p>7 something like that?</p> <p>8 A. Usually people just never show back up.</p> <p>9 Q. So that's actually -- So sometimes</p> <p>10 workers will just not show up on one day and</p> <p>11 then never show up again?</p> <p>12 A. That's correct.</p> <p>13 Q. How often does that happen?</p> <p>14 A. Quite a few times.</p> <p>15 Q. Okay.</p> <p>16 A. They show up for their check.</p> <p>17 Q. They'll show up for their check?</p> <p>18 A. Yeah.</p> <p>19 Q. And then -- And then they'll leave?</p> <p>20 Okay. That's -- That's fine.</p> <p>21 Have you ever had employees sort</p> <p>22 of miss a period of a few days of work and --</p> <p>23 but then come back and want to work thereafter?</p> <p>24 A. I don't recall.</p> <p>25 Q. Okay. So are you aware of any current</p>
<p style="text-align: right;">Page 347</p> <p>1 of the legal requirements, you believe you have</p> <p>2 followed them. Fair enough. I'm asking if you</p> <p>3 do anything other --</p> <p>4 A. There is nothing else.</p> <p>5 Q. Okay. Fine. Have you ever received</p> <p>6 reports, either formal or informal, of workers</p> <p>7 on your farm being illegally present in the</p> <p>8 U.S.?</p> <p>9 A. Never.</p> <p>10 Q. Never? Does NuStar have a -- Actually,</p> <p>11 hold on a second, before I get to that, has</p> <p>12 NuStar ever been audited by ICE?</p> <p>13 A. We've never been audited.</p> <p>14 Q. Or INS? Well, NuStar post-dated INS,</p> <p>15 so forget that.</p> <p>16 Has NuStar ever been the subject,</p> <p>17 as far as you know, of a government</p> <p>18 investigation?</p> <p>19 A. Not that I know of.</p> <p>20 Q. Okay. Has NuStar ever interacted with</p> <p>21 anyone from ICE?</p> <p>22 A. Nope.</p> <p>23 Q. Or the Department of Homeland Security?</p> <p>24 A. Nope.</p> <p>25 Q. Does NuStar have a policy for no show,</p>	<p style="text-align: right;">Page 349</p> <p>1 or former employees who have ever missed work</p> <p>2 because they've been in jail, for example?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay.</p> <p>5 A. Yeah.</p> <p>6 Q. Tell me about that.</p> <p>7 A. I do. I do.</p> <p>8 Q. Okay. Tell me about that. Like how</p> <p>9 often -- Go ahead.</p> <p>10 A. One of the employees, he was -- yeah,</p> <p>11 he got in trouble with a domestic. I do know</p> <p>12 that.</p> <p>13 Q. Okay. Which employee was that?</p> <p>14 A. His name is [REDACTED]</p> <p>15 Q. [REDACTED]</p> <p>16 A. Um-hum.</p> <p>17 Q. Okay. And then [REDACTED] missed work</p> <p>18 as a result of that?</p> <p>19 A. Yeah. Yeah.</p> <p>20 Q. Okay.</p> <p>21 A. He contacted us and said, "Hey, I've</p> <p>22 been in jail."</p> <p>23 Q. Got it. Anybody miss work for a couple</p> <p>24 days and just not tell you why they missed work?</p> <p>25 A. Generally they don't come back.</p>

88 (Pages 346 - 349)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 350</p> <p>1 Q. Generally they don't come back. Okay.</p> <p>2 You don't -- It sounds like you don't recall any</p> <p>3 situations where somebody was just gone for a</p> <p>4 few days and then --</p> <p>5 A. I don't recall that.</p> <p>6 Q. Okay.</p> <p>7 A. I mean, usually everybody -- anybody</p> <p>8 that's been with us a long time tells us that</p> <p>9 something happened.</p> <p>10 Q. Gotcha. Okay.</p> <p>11 (Exhibit 45 was marked for</p> <p>12 identification by the reporter.)</p> <p>13 Q. Mr. Nunes, you're being handed a</p> <p>14 document that's been marked as Defendants'</p> <p>15 Exhibit 45. Do you recall a gentleman named</p> <p>16 [REDACTED]?</p> <p>17 A. No, I don't.</p> <p>18 Q. Okay. If I were to tell you that your</p> <p>19 records indicate that he was an employee at</p> <p>20 NuStar at one point in time, would -- would</p> <p>21 that -- well, I'll tell you what, I'll just</p> <p>22 represent your records indicate that he was an</p> <p>23 employee at NuStar at one point in time.</p> <p>24 A. Okay.</p> <p>25 Q. Okay? So we found this docket on the</p>	<p style="text-align: right;">Page 352</p> <p>1 A. Do you have the records for this</p> <p>2 gentleman? You said he was employed here.</p> <p>3 Q. Yeah. We have it somewhere, his I-9.</p> <p>4 A. Yeah. Do you have that?</p> <p>5 Q. I think so.</p> <p>6 A. Let me see who this is. How long was</p> <p>7 he employed for?</p> <p>8 (Exhibit 46 was marked for</p> <p>9 identification by the reporter.)</p> <p>10 A. Yeah, so we have his ID [REDACTED].</p> <p>11 Q. Okay. Are you looking for where he is</p> <p>12 on --</p> <p>13 A. Yeah. Where -- When he was employed.</p> <p>14 Am I missing him somewhere on this sheet?</p> <p>15 Anyways --</p> <p>16 Q. Anyways --</p> <p>17 A. I guess it really doesn't matter</p> <p>18 because, you know, you asked if I knew that he</p> <p>19 was illegal and he was picked up there. I have</p> <p>20 his -- both his Social Security card and his</p> <p>21 permanent resident card. And from what this</p> <p>22 says, he was picked up by ICE. He could have</p> <p>23 violated; right?</p> <p>24 Q. Gotcha.</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">Page 351</p> <p>1 clerk of Osceola County's website. And you look</p> <p>2 down here, and it says in paragraph 2 of this</p> <p>3 motion for a bench warrant "That on</p> <p>4 September 6, 2018, ICE picked up the Defendant</p> <p>5 from the Osceola County Jail to initiate removal</p> <p>6 proceedings against the Defendant." Do you see</p> <p>7 that?</p> <p>8 A. That's what it says.</p> <p>9 Q. Okay. So it seems like a then former</p> <p>10 employee of NuStar was not in the country</p> <p>11 legally because that person would be deported;</p> <p>12 right?</p> <p>13 MR. BISS: Object to the form.</p> <p>14 A. I'm going to go with no, because he was</p> <p>15 picked up by ICE. Did he violate his residency</p> <p>16 by doing a felony? I don't know. I don't know</p> <p>17 what that means.</p> <p>18 Q. Gotcha. So it could have been some</p> <p>19 other reason, like maybe he was allowed to be in</p> <p>20 the country but then something happened and he</p> <p>21 had to be removed?</p> <p>22 A. Yeah, because -- Well, we should have</p> <p>23 the records; right? Do we have the records</p> <p>24 here?</p> <p>25 Q. What, for --</p>	<p style="text-align: right;">Page 353</p> <p>1 Q. Sure. Makes sense. But while we're</p> <p>2 looking at his Social Security card and</p> <p>3 permanent resident card, I noticed on his Social</p> <p>4 Security card the printing of [REDACTED] is</p> <p>5 spelled [REDACTED] Do you see that?</p> <p>6 A. Okay.</p> <p>7 Q. And you see that same spelling at the</p> <p>8 top of his permanent resident card, spelled</p> <p>9 [REDACTED] right?</p> <p>10 A. Okay.</p> <p>11 Q. But then he signed it [REDACTED]</p> <p>12 And that's the name he wrote on his I-9 form</p> <p>13 too; right?</p> <p>14 A. I would assume he knows his name best.</p> <p>15 Q. All right. So this is another instance</p> <p>16 in which the printed name --</p> <p>17 A. I don't -- I don't think that's --</p> <p>18 Sorry. Go ahead.</p> <p>19 Q. Okay. This is another instance in</p> <p>20 which the printed name on the documents that</p> <p>21 were presented by the prospective employee did</p> <p>22 not match the name that that employee wrote and</p> <p>23 signed; correct?</p> <p>24 A. That's not necessarily true.</p> <p>25 Q. Okay.</p>

89 (Pages 350 - 353)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 354</p> <p>1 A. I wouldn't say that.</p> <p>2 Q. How is it --</p> <p>3 A. I mean, you're -- you're assuming that</p> <p>4 these -- that he -- he's signing his name</p> <p>5 incorrectly. Once again, he -- he filled this</p> <p>6 out. We did not. We have his cards. His</p> <p>7 numbers verified. Everything matches.</p> <p>8 Q. Yeah. I'm not assuming --</p> <p>9 A. We legally did what we were supposed to</p> <p>10 do.</p> <p>11 Q. I'm not assuming he signed his name</p> <p>12 incorrectly. I'm just pointing out that his</p> <p>13 name as printed on these purportedly</p> <p>14 government-issued cards doesn't match the way he</p> <p>15 spells his name; right? You see that; right?</p> <p>16 He spells it differently than the way it's</p> <p>17 printed on the Social Security card.</p> <p>18 A. Yeah, it's --</p> <p>19 Q. Right? I take it you didn't see that</p> <p>20 when you were looking at the documents?</p> <p>21 A. I didn't see it.</p> <p>22 Q. Okay.</p> <p>23 A. Nor do I think I legally could ask</p> <p>24 questions like that.</p> <p>25 Q. You wouldn't -- So in other words, even</p>	<p style="text-align: right;">Page 356</p> <p>1 Democrat club or any organization of the sort.</p> <p>2 Q. Got it.</p> <p>3 A. Never donated money. I don't pay</p> <p>4 attention to it. I don't know.</p> <p>5 Q. Got it. Well, the idea to file this</p> <p>6 lawsuit, your lawsuit, that is, against Hearst</p> <p>7 and Mr. Lizza, am I correct that that idea came</p> <p>8 from Devin Nunes? Right?</p> <p>9 MR. BISS: Object to the form.</p> <p>10 Asked and answered.</p> <p>11 A. No.</p> <p>12 Q. No? Okay. Well, I mean, you're</p> <p>13 obviously using the same defamation lawyer that</p> <p>14 Devin Nunes uses in his defamation suits, namely</p> <p>15 Mr. Biss right here; right?</p> <p>16 MR. BISS: If it's obvious, why</p> <p>17 do you need to ask him?</p> <p>18 Q. Well, did you know Mr. Biss before --</p> <p>19 How did you get introduced to Mr. Biss? Let me</p> <p>20 start there.</p> <p>21 A. I don't know.</p> <p>22 Q. You don't know?</p> <p>23 A. I don't know. Honestly, I don't know.</p> <p>24 Q. Okay. How long --</p> <p>25 A. I don't know if you contacted me -- I</p>
<p style="text-align: right;">Page 355</p> <p>1 if you had seen it, you wouldn't have been able</p> <p>2 to follow up and say --</p> <p>3 A. I can't do -- My hands are tied.</p> <p>4 Q. Got it.</p> <p>5 A. I'm not going to go to jail.</p> <p>6 Q. We talked -- mentioned briefly earlier</p> <p>7 Devin Nunes having filed a lawsuit against</p> <p>8 Hearst as well. I want to pick up on that. You</p> <p>9 know that Devin filed a lawsuit against Hearst</p> <p>10 and Lizza before NuStar did; correct?</p> <p>11 A. No, I don't know that.</p> <p>12 Q. You don't know that? Okay. Do you --</p> <p>13 Do you know --</p> <p>14 A. He -- He files lawsuits. I don't</p> <p>15 follow it.</p> <p>16 Q. Okay.</p> <p>17 A. I don't watch that stuff. I'm not</p> <p>18 political. I don't watch any of that stuff.</p> <p>19 I've got so many other things to do, I don't</p> <p>20 have time to follow everything that goes on.</p> <p>21 Q. Gotcha. Well, did you ever talk with</p> <p>22 him --</p> <p>23 A. We've never -- I've never politically</p> <p>24 donated to anything. I've never did any sort of</p> <p>25 that. I'm not part of any Republican club or</p>	<p style="text-align: right;">Page 357</p> <p>1 don't know if he contacted us or -- I'm not</p> <p>2 sure.</p> <p>3 Q. For how long have you known Mr. Biss?</p> <p>4 A. I don't recall.</p> <p>5 Q. You don't recall?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay.</p> <p>8 A. For a while.</p> <p>9 Q. For a while? Okay.</p> <p>10 A. Yeah. I don't know.</p> <p>11 Q. Did you --</p> <p>12 A. A year.</p> <p>13 Q. Did you learn --</p> <p>14 A. Two years.</p> <p>15 Q. Did you learn of -- it was after the</p> <p>16 article ran in Esquire that you met Mr. Biss;</p> <p>17 right?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. Have you spoken with Devin about</p> <p>20 your parallel lawsuits against Hearst?</p> <p>21 A. Parallel lawsuits?</p> <p>22 Q. Both of you have sued Hearst over the</p> <p>23 same article; right?</p> <p>24 A. That's what you're telling me.</p> <p>25 Q. Right. You have no --</p>

90 (Pages 354 - 357)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 91 of 105

App. 212

<p style="text-align: right;">Page 358</p> <p>1 A. I don't really -- I don't know what he 2 does. I don't know what that is. 3 Q. Okay. Okay. Well, have you spoken to 4 him about your lawsuit? Let's start there. 5 A. No. 6 Q. Never? 7 A. I don't -- I -- I don't recall talking 8 to him about this lawsuit. 9 Q. Okay. Do you ever text him or write to 10 him about it? 11 A. No. 12 Q. Never? Okay. So set aside 13 conversations with Mr. Biss, which I don't want 14 to know about. Prior to filing this lawsuit did 15 you talk to anybody else about filing the 16 lawsuit? 17 A. My father. 18 Q. Okay. Great. So -- 19 A. And Lori. 20 Q. All right. Great. And tell me about 21 those conversations. What did you discuss? 22 A. That -- That we're tired of getting 23 beat up by -- for -- for political reasons. 24 We're tired of getting beat up in -- just 25 bad-mouthed every direction we turn. We get</p>	<p style="text-align: right;">Page 360</p> <p>1 Why would you come to somebody's 2 community and just -- just bad-mouth everything 3 that goes on just because you want to be 4 political? It has nothing to do with Devin. 5 Devin has nothing to do with the farm. He 6 doesn't have -- he -- he doesn't even hardly 7 come and see us. So why would somebody come and 8 say that about these poor people? 9 Q. Okay. 10 A. Why would somebody be able -- why -- 11 how can somebody with -- with no involvement get 12 totally brutalized and -- and beat up and have 13 people call and call and call and call, saying, 14 "Oh, you're in the news. Oh, you're in the 15 news." Oh, I have to explain myself. I've got 16 to explain myself to everybody. "Oh, you're 17 so-and-so. I heard about you." 18 It's -- It's -- Totally get 19 demolished. And against our peers and 20 everything else. I go to a meeting, and it 21 comes up constantly. 22 Q. Okay. 23 A. I don't ever want this to happen to 24 anybody else ever. I don't care about money. I 25 really care less about money, about anything.</p>
<p style="text-align: right;">Page 359</p> <p>1 crazy phone calls. People want to, you know -- 2 it's just crazy what happens, and I'm tired of 3 it. I don't want to deal with this. 4 You know, if you guys want to 5 play political games, go play it, but don't play 6 with us. I don't want to have no part of it. I 7 milk cows, and that's what I do. I work every 8 day all day. 9 Q. Okay. 10 A. And that's all I want to do, is do my 11 job, do my part, be a productive person. 12 Q. Okay. So then the three of you talked 13 about filing a lawsuit as a result of it? 14 A. That's correct. 15 Q. And what are you hoping to get out of 16 this lawsuit? 17 A. I'm hoping that this never happens to 18 anybody else. I can't believe that he would go 19 to Hoyer, that they would write about -- Ryan 20 Lizza would write about Hoyer -- his wife just 21 come back -- their son died, killed himself. He 22 was mentally -- he was already mentally 23 challenged, a little bit slow, and then they go 24 and write about this. Why? Why would you do 25 that to somebody?</p>	<p style="text-align: right;">Page 361</p> <p>1 What I care about is doing right, be the light, 2 be the good, and God will take care of me. I 3 love God. First I take care of what I'm 4 supposed to do, God will take care of me. 5 Q. Tell me about the meeting you just 6 mentioned. What's the meeting that it came up 7 at? 8 A. It -- We were at -- Where was it? I 9 don't know if it was at the Midwest Dairy 10 meeting that that come up. I don't know if 11 Mr. Feuerhelm mentioned that. I don't recall 12 exactly. I think that was the meeting. 13 Q. Okay. Tell me everything you remember 14 about the -- this conversation at that meeting. 15 A. I told you. They bring it up. 16 Q. Well, who brought it up? 17 A. "Oh, you're Devin" -- oh, then, you 18 know, they say, "Oh, yeah, the hit piece." 19 Everybody brings it up. 20 Q. Okay. What -- So who brought it up 21 first? It sounds like you don't recall who 22 brought it up. 23 A. I think -- I do believe Mr. Feuerhelm 24 may have brought it up. I don't recall. 25 Q. Feuerhelm is the guy that's spelled</p>

91 (Pages 358 - 361)

<p style="text-align: right;">Page 362</p> <p>1 F-U-E-R --</p> <p>2 A. I don't know how to spell his name.</p> <p>3 Q. Okay. Got it. What did Mr. Feuerhelm</p> <p>4 say?</p> <p>5 A. You know, that -- that Devin is doing a</p> <p>6 great job and tell him to keep it up.</p> <p>7 Q. Okay. What else did he say?</p> <p>8 A. That's it.</p> <p>9 Q. That is the total of what Mr. Feuerhelm</p> <p>10 said to you about this issue?</p> <p>11 A. I just told you that he says -- I do</p> <p>12 believe he said it, so do you want me to recall</p> <p>13 every instance that somebody brought this up and</p> <p>14 said, "Oh, hey, I heard you were in the news"? Oh, it just keeps popping up over and over and</p> <p>15 over again. Do you want all these instances?</p> <p>16 Because I could probably pull them up since we</p> <p>17 have 14 years' worth of documents and you guys</p> <p>18 have nothing. I could probably pull up more</p> <p>19 stuff, if you want, but --</p> <p>20 Q. Well, what would you be pulling up?</p> <p>21 A. Well, just -- You want me to get people</p> <p>22 to come in and testify?</p> <p>23 Q. Well, put that aside. Let's take it</p> <p>24 bit by bit. Okay? Let's start with this</p> <p>25</p>	<p style="text-align: right;">Page 364</p> <p>1 what you remember.</p> <p>2 A. Peers. Peers, just other people -- we</p> <p>3 go to volleyball games or games like that,</p> <p>4 people will bring it up.</p> <p>5 Q. Okay. Let's start with peers. Who are</p> <p>6 the peers?</p> <p>7 A. Other dairymen.</p> <p>8 Q. Which other dairymen?</p> <p>9 A. A lot of them.</p> <p>10 Q. Okay. Can you provide me with names of</p> <p>11 any other dairymen who brought this up?</p> <p>12 A. There is a lot.</p> <p>13 Q. Do you recall the names of other</p> <p>14 dairymen who have brought this up?</p> <p>15 THE WITNESS: I've got a</p> <p>16 question. Do I have to answer all of -- say</p> <p>17 every single one that's ever did -- said</p> <p>18 something? I mean, it's just peers.</p> <p>19 MR. BISS: Just do your best to</p> <p>20 answer his question.</p> <p>21 A. Mr. Dykstra said something about it.</p> <p>22 Van Ess has said something about it. There</p> <p>23 was -- Westra said something about it.</p> <p>24 Ysselstein said something about it. There was</p> <p>25 the guys in Michigan said stuff about it.</p>
<p style="text-align: right;">Page 363</p> <p>1 conversation with Mr. Feuerhelm in which</p> <p>2 Mr. Feuerhelm says --</p> <p>3 A. He said he was doing a great job, you</p> <p>4 know, keep up the good work, he gets the crap</p> <p>5 beat out of him, you know, everything that</p> <p>6 happens is -- is all political, they try to beat</p> <p>7 everybody up.</p> <p>8 Q. Right. Okay. So what did he think of</p> <p>9 the article? Did he say anything about the</p> <p>10 article?</p> <p>11 A. I don't recall exactly that.</p> <p>12 Q. Okay. So you don't recall what he said</p> <p>13 about the article itself?</p> <p>14 A. I just know it comes up. I -- I tune</p> <p>15 it out anymore. I can't handle it. It just --</p> <p>16 It stresses us out. We can't handle --</p> <p>17 everybody comes towards us and just constantly</p> <p>18 brings it up.</p> <p>19 Q. Okay. So while we're on the topic, why</p> <p>20 don't we continue exploring this, instances in</p> <p>21 which this has been brought up to you. Okay?</p> <p>22 Who else has discussed with you the article?</p> <p>23 Start there. Start broad.</p> <p>24 A. We've had a lot of phone calls.</p> <p>25 Q. Okay. A lot of phone calls. Tell me</p>	<p style="text-align: right;">Page 365</p> <p>1 Higgins, they called and they said something</p> <p>2 about it. There was Colorado, they called.</p> <p>3 Wilgenburg, they said something about it.</p> <p>4 Friends from California called and said</p> <p>5 something about it. Our heifer yard said</p> <p>6 something about it. Those guys that run the</p> <p>7 heifer yard, Tulsas. There was -- Let's see.</p> <p>8 Who else?</p> <p>9 A guy down in Florida said</p> <p>10 something about it, runs North Florida</p> <p>11 Holsteins. He said something about it. I don't</p> <p>12 remember if the guys from New York said anything</p> <p>13 about it. I think Wag said something about it.</p> <p>14 The creamery said something about it. The</p> <p>15 hay -- The guy that runs the hay auction said</p> <p>16 something about it. The people at church said</p> <p>17 stuff about it. The guys I have coffee with</p> <p>18 talked about it.</p> <p>19 Q. Okay.</p> <p>20 A. Do you want me to go on more?</p> <p>21 Q. Well, look, it is relevant to just know</p> <p>22 anything that's out there in terms of people</p> <p>23 raising concerns or points with you about this</p> <p>24 in the community. So yeah, if there's anybody</p> <p>25 else you remember, I'd love to hear it. Anybody</p>

92 (Pages 362 - 365)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 98 of 105

App. 214

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 366</p> <p>1 else?</p> <p>2 A. There's a lot. I don't even know where</p> <p>3 to --</p> <p>4 Q. Okay.</p> <p>5 A. You could ask me in my personal one</p> <p>6 more.</p> <p>7 Q. Ask -- I'm sorry, say that again.</p> <p>8 A. You can ask when I have to do a</p> <p>9 personal deposition more.</p> <p>10 Q. Okay. You might remember more at that</p> <p>11 point in time?</p> <p>12 A. There's a good possibility.</p> <p>13 Q. Okay. Let's talk about what we've got</p> <p>14 so far here. There's Dykstra. What did Dykstra</p> <p>15 say to you about it?</p> <p>16 A. That it was a political hit piece. But</p> <p>17 we already talked about that.</p> <p>18 Q. Got it. Anything else you recall about</p> <p>19 that conversation?</p> <p>20 A. Nope.</p> <p>21 Q. What about Van Ess? What did he say?</p> <p>22 A. Same thing. He come and help us,</p> <p>23 because he knew that it was all BS.</p> <p>24 Q. Help you how?</p> <p>25 A. Help put up signs to make sure nobody</p>	<p style="text-align: right;">Page 368</p> <p>1 A. That -- That he supports us. It's all</p> <p>2 political.</p> <p>3 Q. Okay. I think Ysselstein. Is that the</p> <p>4 next one?</p> <p>5 A. Shep Ysselstein.</p> <p>6 Q. Yep.</p> <p>7 A. Yeah, he read it.</p> <p>8 Q. And?</p> <p>9 A. He just said he read it.</p> <p>10 Q. Did he say anything else?</p> <p>11 A. I don't recall.</p> <p>12 Q. Okay. You said guys in Michigan, and</p> <p>13 then I think you said Higgins. Are those the</p> <p>14 same --</p> <p>15 A. Yeah. Yeah. Jeremy Higgins.</p> <p>16 Q. Got it.</p> <p>17 A. He read it.</p> <p>18 Q. What did Jeremy Higgins say?</p> <p>19 A. Supported us.</p> <p>20 Q. Said it was a hit piece?</p> <p>21 A. Yes.</p> <p>22 Q. Anything else?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Okay. Colorado. You said something</p> <p>25 about Colorado.</p>
<p style="text-align: right;">Page 367</p> <p>1 comes on the dairy. Because after it was ran</p> <p>2 there was -- all kinds of people started showing</p> <p>3 up at the dairy. People driving on the dairy.</p> <p>4 You could see it on the cameras.</p> <p>5 Q. Got it. Okay. And did he -- did he go</p> <p>6 help put up signs for you?</p> <p>7 A. Who?</p> <p>8 Q. Van Ess.</p> <p>9 A. That's what I said.</p> <p>10 Q. Okay. Well, yeah, you said he offered</p> <p>11 it. Did he do it as well?</p> <p>12 A. Yeah. He was there.</p> <p>13 Q. Okay. Okay.</p> <p>14 A. Because he knew it was -- it's all bad</p> <p>15 news.</p> <p>16 Q. Okay. Did he say -- Do you recall</p> <p>17 anything else that he said?</p> <p>18 A. I don't recall at this point.</p> <p>19 Q. What about Wes --</p> <p>20 A. Johnny Westra.</p> <p>21 Q. Say it again.</p> <p>22 A. Westra.</p> <p>23 Q. Westra. Okay. Yep.</p> <p>24 A. He said he read it.</p> <p>25 Q. Okay. What did he say?</p>	<p style="text-align: right;">Page 369</p> <p>1 A. Wilgenburg.</p> <p>2 Q. Rosenberg in Colorado?</p> <p>3 A. Wilgenburg.</p> <p>4 Q. I'm sorry, say it again.</p> <p>5 A. Wilgenburg.</p> <p>6 Q. Wilgenburg. Okay. What did Wilgenburg</p> <p>7 say?</p> <p>8 A. Just it was a political hit piece.</p> <p>9 Q. Got it. I think you said friends from</p> <p>10 California was the next one; right?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Which friends?</p> <p>13 A. There's just -- There's all the farmers</p> <p>14 that we've always been friends with forever.</p> <p>15 Q. Got it. And is there sort of a way to</p> <p>16 sum up what they were saying about it?</p> <p>17 A. Same thing. Political hit piece.</p> <p>18 Q. Okay. The heifer yard?</p> <p>19 A. Yep. Tulsas.</p> <p>20 Q. Tulsas?</p> <p>21 A. Yep.</p> <p>22 Q. What did they say?</p> <p>23 A. Just a hit piece, political hit piece.</p> <p>24 Q. Anything else they said?</p> <p>25 A. Nope.</p>

93 (Pages 366 - 369)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 94 of 105

App. 215

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 370</p> <p>1 Q. Guys down in Florida I have next.</p> <p>2 A. Western -- Yep. Steve. Geez, you're</p> <p>3 putting me on the spot. I can't remember names</p> <p>4 like that.</p> <p>5 Q. Okay. What did -- What did this person</p> <p>6 in Florida say?</p> <p>7 A. Same. Said it was a political hit</p> <p>8 piece.</p> <p>9 Q. Same thing. And the holsteins, did</p> <p>10 they say the same thing?</p> <p>11 A. That's the same thing. That's the same</p> <p>12 thing. It's the same -- He runs the facility.</p> <p>13 Q. Got it. Got it. Okay. So you recall</p> <p>14 him saying political hit piece and supports you.</p> <p>15 Do you recall anything else?</p> <p>16 A. No.</p> <p>17 Q. Guys from New York, what do you recall</p> <p>18 about --</p> <p>19 A. No. I said I don't think any of those</p> <p>20 guys called me, I said.</p> <p>21 Q. Gotcha. So we'll cross them out.</p> <p>22 Then the last one I think I have</p> <p>23 is Wag?</p> <p>24 A. Yeah. Wag is north of us.</p> <p>25 Q. Got it.</p>	<p style="text-align: right;">Page 372</p> <p>1 How many people at church were</p> <p>2 discussing this with you?</p> <p>3 A. All the farmers.</p> <p>4 Q. All the farmers at church?</p> <p>5 A. Yeah. Other people. Business people,</p> <p>6 bankers.</p> <p>7 Q. Business people, bankers?</p> <p>8 A. Um-hum.</p> <p>9 Q. Okay. Tell me everything you remember</p> <p>10 about those conversations.</p> <p>11 A. Just -- It's always been positive.</p> <p>12 They always said -- said it's a political hit</p> <p>13 piece, we support you. Everybody has been</p> <p>14 really positive. It was always positive towards</p> <p>15 us.</p> <p>16 Q. So guys you have coffee with. My first</p> <p>17 question, is this coffee at The Lantern?</p> <p>18 A. No.</p> <p>19 Q. Oh, no? You don't do The Lantern? It</p> <p>20 has good coffee. I went there, you know, once</p> <p>21 before. But in any event, regardless of where</p> <p>22 you have coffee, what about the guys you have</p> <p>23 coffee with? What was their reaction?</p> <p>24 A. They supported me.</p> <p>25 Q. It sounds like you had a lot of</p>
<p style="text-align: right;">Page 371</p> <p>1 A. Neighbors.</p> <p>2 Q. And what did they say?</p> <p>3 A. Same thing. Political hit piece.</p> <p>4 Q. Kristen pointed out one or two that I</p> <p>5 might have -- oh, by the way, just to close the</p> <p>6 loop with Wags, do you remember anything else</p> <p>7 they said?</p> <p>8 A. No, I don't remember.</p> <p>9 Q. Okay.</p> <p>10 A. I just --</p> <p>11 Q. Hay auction. People at the hay</p> <p>12 auction?</p> <p>13 A. Um-hum.</p> <p>14 Q. What did they say?</p> <p>15 A. Yeah, just said he -- he heard about</p> <p>16 the -- about it and said it's just a political</p> <p>17 hit piece. He said don't worry about it, they</p> <p>18 support us.</p> <p>19 Q. Got it. The creamery.</p> <p>20 A. Yep. Somebody at the creamery.</p> <p>21 Political hit piece. Supported us.</p> <p>22 Q. People at church. Okay. So first of</p> <p>23 all, how many people at church were making this</p> <p>24 point to you?</p> <p>25 Strike that.</p>	<p style="text-align: right;">Page 373</p> <p>1 positive reactions from members of the</p> <p>2 community. Is that about right?</p> <p>3 A. They surrounded us, knowing it was a</p> <p>4 political hit piece.</p> <p>5 Q. And they supported you; right?</p> <p>6 A. That's correct.</p> <p>7 Q. Gotcha. They didn't think less of you</p> <p>8 because the article came out; right?</p> <p>9 MR. BISS: Object to the form.</p> <p>10 A. So if all those people know, how many</p> <p>11 other people didn't say anything? There's a lot</p> <p>12 of other people. So if they all know and go</p> <p>13 "Don't worry, we support you," how about all the</p> <p>14 other people that are "Oh, my gosh, I don't</p> <p>15 really know them, but how bad -- what are they</p> <p>16 doing there?"</p> <p>17 Q. Gotcha. Okay.</p> <p>18 A. So if I'm going to take all those</p> <p>19 people that surrounded us and said, "Hey" --</p> <p>20 friends of ours, said, "Hey, don't worry, we</p> <p>21 support you, you're good," how many other people</p> <p>22 were negative towards us --</p> <p>23 Q. Okay.</p> <p>24 A. -- in our -- in my dairy industry?</p> <p>25 Q. Tell me that. Tell me about that.</p>

94 (Pages 370 - 373)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 95 of 105

App. 216

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 374</p> <p>1 A. And my neighbors, you know.</p> <p>2 Q. Okay. So tell me about that. What</p> <p>3 about people who were, as you said, negative</p> <p>4 towards you?</p> <p>5 A. I'm just saying, I don't -- nobody ever</p> <p>6 confronted me. Nobody has -- Nobody will come</p> <p>7 up and confront you usually negatively besides</p> <p>8 crazies calling on the phone all the time, where</p> <p>9 we had to do away with the phone. They</p> <p>10 called -- called my house, my 6-year-old answers</p> <p>11 the phone, and they go all crazy on them and</p> <p>12 they hang up. I mean, that's unacceptable</p> <p>13 behavior. You can't have that.</p> <p>14 Q. Who called you?</p> <p>15 A. I don't know.</p> <p>16 Q. It was just some crazies; right?</p> <p>17 A. They called and they knew -- after that</p> <p>18 article came out they would call us constantly.</p> <p>19 Q. Yeah. Okay. And I think we've had a</p> <p>20 handful of voicemails or answering machine</p> <p>21 messages that have been produced to us. I take</p> <p>22 it you got a handful of calls; right?</p> <p>23 A. A handful?</p> <p>24 Q. A lot of them?</p> <p>25 A. I would call it more than a handful.</p>	<p style="text-align: right;">Page 376</p> <p>1 A. They called and left a message --</p> <p>2 Q. Okay.</p> <p>3 A. -- at my brother's office saying, "I</p> <p>4 know where your family is."</p> <p>5 And they specifically -- I do</p> <p>6 believe they specifically said my dad.</p> <p>7 Q. Okay.</p> <p>8 A. So then the county sheriff was</p> <p>9 notified.</p> <p>10 Q. Do you know -- I take it you don't know</p> <p>11 who left that death threat at your brother's</p> <p>12 office; right?</p> <p>13 A. No, I don't -- I don't know.</p> <p>14 Q. Okay. I'm sorry, just going back, I</p> <p>15 think I missed -- you said you -- perhaps this</p> <p>16 is in the positive bucket, but I don't know, you</p> <p>17 tell me. You said people were talking about it</p> <p>18 with you at volleyball games too; right?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. So tell me --</p> <p>21 A. They're just random people that we know</p> <p>22 that go, "Hey, it was a political hit piece. We</p> <p>23 support you."</p> <p>24 Q. Okay. Anything else you remember about</p> <p>25 those conversations?</p>
<p style="text-align: right;">Page 375</p> <p>1 Q. Okay. So do you know who called?</p> <p>2 A. We got cards saying, you know, that --</p> <p>3 about Devin and -- what does Devin have to do</p> <p>4 with us?</p> <p>5 Q. Do you know who made the calls?</p> <p>6 A. Absolutely not.</p> <p>7 Q. Do you know if they -- Do you know</p> <p>8 where they're from?</p> <p>9 A. I don't know. Capitol police might.</p> <p>10 Q. I'm sorry, capitol police?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Explain that to me.</p> <p>13 A. Well, when you start getting threats</p> <p>14 like that, the capitol police have to know.</p> <p>15 Q. Got it. So it's ultimately been</p> <p>16 reported to --</p> <p>17 A. Yeah. We got a death threat here not</p> <p>18 too long ago.</p> <p>19 Q. You got a death threat?</p> <p>20 A. Yes.</p> <p>21 Q. And how long was --</p> <p>22 A. My father did.</p> <p>23 Q. Okay. Tell me about that death threat.</p> <p>24 Like how -- was it by phone or was it by e-mail,</p> <p>25 or what?</p>	<p style="text-align: right;">Page 377</p> <p>1 A. No.</p> <p>2 Q. Have you made any attempts -- So now</p> <p>3 we're talking about the phone calls that you</p> <p>4 received or were received at your brother's</p> <p>5 office. Have you made any attempts to contact</p> <p>6 any of those persons?</p> <p>7 A. Why would I?</p> <p>8 Q. I'm not saying you probably would.</p> <p>9 A. That's unhealthy.</p> <p>10 Q. I wouldn't expect you to, but I just</p> <p>11 wanted to check.</p> <p>12 A. But I can tell you one thing, that --</p> <p>13 that they better not show up at our place.</p> <p>14 Q. Or what?</p> <p>15 A. The sheriff will have them, just like</p> <p>16 the people that showed up with all their signs</p> <p>17 and the sheriff caught them.</p> <p>18 Q. What were those signs?</p> <p>19 A. They're signs of the guy running</p> <p>20 against my brother. They showed up over at</p> <p>21 my -- at our dairy this year. This year? Last</p> <p>22 year? When was that? When did they run?</p> <p>23 Q. It would have been 2020.</p> <p>24 A. Yeah.</p> <p>25 Q. So they put political signs up for the</p>

95 (Pages 374 - 377)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 96 of 105

App. 217

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 378</p> <p>1 candidate who was running against your brother 2 for congress? 3 A. Yeah. 4 Q. Okay. 5 A. There were signs. 6 Q. And then they were ultimately arrested; 7 right? 8 A. Well, yeah. Because my neighbor seen 9 them. 10 Q. All right. So any other -- any other 11 evidence of harm to NuStar's reputation that you 12 are aware of other than everything we've talked 13 about right now? 14 A. Just they defamed our name. And we 15 can't do that amongst peers. 16 Q. Got it. Okay. Let's circle back, go 17 to something a little different, circle back to 18 something we were talking about earlier, just to 19 make sure I understand it. Am I correct that 20 NuStar sells almost all of its milk to a 21 cooperative which currently is called -- 22 A. It's not a cooperative. 23 Q. Oh, I'm sorry, what is it? It's a -- 24 Agropur is the name of it; right? 25 A. That's correct.</p>	<p style="text-align: right;">Page 380</p> <p>1 A. That's correct. 2 Q. And there's been no deviation in your 3 sale of milk. Like in other words, they haven't 4 stopped taking milk as a result of the hit -- as 5 a result of the, as you call it, hit piece; 6 right? 7 A. That's correct. 8 Q. And NuStar's revenue, am I correct that 9 the main driver -- actually, I want to look at 10 this. Give me a second. I can ask a better 11 question. I'm trying to cut through some stuff. 12 Okay. NuStar, what -- what other 13 effects have there -- Let me strike -- Let me 14 ask it again. I'm sorry. I'm stumbling. Give 15 me a second. 16 I think I have in my notes here 17 that NuStar derives approximately 98 percent of 18 its milk income from sales to previously 19 Davisco, now Agropur; right? Is that correct? 20 A. 98 percent of our sales come from milk. 21 Q. Right. 22 A. That's correct. 23 Q. Which -- Okay. Got it. 24 A. I do -- I mean, most of it. I mean, 25 the only thing is -- would be beef, so there</p>
<p style="text-align: right;">Page 379</p> <p>1 Q. Okay. What -- What do you call 2 Agropur? It's not a cooperative. What is it? 3 A. No. It's just a creamery. A milk 4 company. 5 Q. Just a creamery. Oh, is that the 6 creamery you were talking about earlier? 7 A. I -- I don't know. Refresh my memory. 8 Q. I'm sorry. A few minutes ago we were 9 talking about the various conversations you had 10 with people in the community; right? 11 A. Yeah. Yes. 12 Q. You mentioned creamery; right? 13 A. That's correct. 14 Q. That was Agropur; right? 15 A. That's correct. 16 Q. Gotcha. So you had conversation with 17 somebody at Agropur? 18 A. Yes. 19 Q. Okay. And if I recall correctly, they 20 support you and it was a hit piece; right? 21 A. That's correct. 22 Q. And you continue to do business with 23 Agropur to this day; right? 24 A. That's correct. 25 Q. You sell all your milk to them; right?</p>	<p style="text-align: right;">Page 381</p> <p>1 would be a small percentage. 2 Q. NuStar's profits haven't suffered after 3 the article; right? 4 A. That -- but we're on a federal -- 5 we're -- that goes off of -- yeah, that -- that 6 doesn't affect our profits because it goes off 7 of the federal order. 8 Q. Tell me, what do you mean by that, the 9 federal order? 10 A. The federal order is designed -- 11 government designed to -- it -- there's -- 12 there's a bunch of orders. I don't know 13 exactly. It's very complicated. We get paid 14 how we get paid. 15 Q. Got it. It's -- 16 A. It goes off the board. Utilizations of 17 Class 1, 2, 3, and 4 milk. There's -- There's 18 utilization, and it depends on your -- your 19 location. And there's a whole bunch that goes 20 into it. 21 Q. Got it. 22 A. You want to get into milk marketing? 23 Q. I think -- I think we're about to right 24 now. 25 A. If you want to, let's do it.</p>

96 (Pages 378 - 381)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 97 of 105

App. 218

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 382</p> <p>1 Q. Let's -- All right.</p> <p>2 A. It's pretty complicated.</p> <p>3 Q. I don't --</p> <p>4 A. We're going to be here for days.</p> <p>5 Q. All right. We're going to do the very</p> <p>6 brief synopsis. Let me make sure I -- Let me</p> <p>7 get the high-level point, and then you can fill</p> <p>8 me in. Okay? It sounds like there's a lot of</p> <p>9 factors that are basically dictated by the</p> <p>10 government as to what the price of milk may be</p> <p>11 or --</p> <p>12 A. It goes off the board.</p> <p>13 Q. It goes off the board. Now, tell me</p> <p>14 what it means by "it goes off the board."</p> <p>15 A. CME.</p> <p>16 Q. CME. Okay. Now tell me what CME is.</p> <p>17 A. Chicago Mercantile Exchange.</p> <p>18 Q. Yes. There we go. So when you say</p> <p>19 "the board," you mean the Chicago Mercantile</p> <p>20 Exchange?</p> <p>21 A. Yes.</p> <p>22 Q. I follow you now. I've heard an</p> <p>23 acronym CWT. What's CWT?</p> <p>24 A. I don't know.</p> <p>25 Q. It's like the measure of the weight of</p>	<p style="text-align: right;">Page 384</p> <p>1 don't sell, "Oh, okay, well, how much do you</p> <p>2 want to give me?" I'm not selling a pig.</p> <p>3 Q. Got it. Give me a second.</p> <p>4 MR. BOYER: Actually, what might</p> <p>5 be efficient is we might be -- we might be</p> <p>6 getting close to being able to wrap, but I just</p> <p>7 want to check my notes and see what else I may</p> <p>8 be missing, what else we need to cover. Do you</p> <p>9 want to take a very brief break and see where we</p> <p>10 go from there?</p> <p>11 MR. BISS: It's up to you.</p> <p>12 THE WITNESS: It's up to you,</p> <p>13 man.</p> <p>14 MR. BISS: I mean, if you need</p> <p>15 five, ten minutes, we'll -- for you to figure</p> <p>16 that out, we'll sit in the other room and just</p> <p>17 somebody come in and get us when you're ready.</p> <p>18 MR. BOYER: That sounds fine. So</p> <p>19 let's go off the record.</p> <p>20 THE VIDEOGRAPHER: We are going</p> <p>21 off the record. This is the end of Media Number</p> <p>22 5. The time is 5:48.</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: We are back on</p> <p>25 the record. This is the beginning of Media Unit</p>
<p style="text-align: right;">Page 383</p> <p>1 milk or something.</p> <p>2 A. Okay. Yeah. 100 weight.</p> <p>3 Q. 100 weight, yeah, there you go.</p> <p>4 A. That's also other stuff that says CWT.</p> <p>5 Like there's organizations, there's other stuff.</p> <p>6 Q. Sure.</p> <p>7 A. Anyways, so yes, it's the measurement</p> <p>8 of milk. Yes. Everything is sold in 100 pounds</p> <p>9 of milk.</p> <p>10 Q. Got it. Got it. Give me one second,</p> <p>11 because I may be able to cut through even more</p> <p>12 things.</p> <p>13 I think I saw in your -- in your</p> <p>14 income statements that NuStar's revenue from the</p> <p>15 sale of market -- from the sale of milk, excuse</p> <p>16 me, has increased over the last couple years; is</p> <p>17 that right?</p> <p>18 A. That just has to do with the federal</p> <p>19 order -- or with the CME.</p> <p>20 Q. Oh, gotcha. It's all dictated by those</p> <p>21 factors, basically?</p> <p>22 A. Right.</p> <p>23 Q. Okay.</p> <p>24 A. It's not independent. It's not -- I</p> <p>25 don't -- you don't sell like -- I don't -- you</p>	<p style="text-align: right;">Page 385</p> <p>1 Number 6. The time is 6:04.</p> <p>2 Q. Mr. Nunes -- Mr. Nunes, do you have a</p> <p>3 Twitter account?</p> <p>4 A. I did.</p> <p>5 Q. You did? Okay. When did you have a</p> <p>6 Twitter account?</p> <p>7 A. I don't recall. For a short period of</p> <p>8 time.</p> <p>9 Q. Okay. When -- Like do you recall</p> <p>10 approximately when you would have had the</p> <p>11 account?</p> <p>12 A. 2016, maybe.</p> <p>13 Q. Okay. And then you dropped it?</p> <p>14 A. After they kept -- After -- I just</p> <p>15 never used it.</p> <p>16 Q. Gotcha. Okay. You never used it, so</p> <p>17 then you canceled your account; right?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. Did you cancel it in 2016 or</p> <p>20 2017?</p> <p>21 A. No. It would have been in '19, maybe.</p> <p>22 '18, '19.</p> <p>23 Q. Oh, okay. And was it --</p> <p>24 A. '19.</p> <p>25 Q. Was it an anonymous account, or were</p>

97 (Pages 382 - 385)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 98 of 105

App. 219

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 386</p> <p>1 you sort of out there as, you know, saying, 2 "Hey, I'm Anthony Nunes"? 3 A. I don't remember my name. I don't 4 know. I try not to put my name out there. 5 Q. Got it. Okay. 6 A. Because if we do, then they're -- they 7 just get bombarded with stuff. 8 Q. Got it. But you weren't putting your 9 name out there at any point that you had a 10 Twitter account? 11 A. I don't know if that -- I don't 12 remember if my Twitter account name -- I don't 13 remember if it was Anthony Nunes. I think -- I 14 think it was, but after -- after the article 15 ran, I couldn't have my name on hardly anything. 16 Like I have a Facebook account, but I have to 17 lock it down like I'm an 8-year-old because 18 people started -- after that people started 19 getting on and saying stuff. 20 Q. Okay. So let's talk about that 21 Facebook account first. You said people started 22 getting on and saying stuff. You mean they 23 would comment on your -- on your Facebook page? 24 A. Yeah. 25 Q. Okay. Who would comment?</p>	<p style="text-align: right;">Page 388</p> <p>1 Yes, it was produced by Plaintiffs in this case. 2 A. They come from our account, or what? 3 Q. No. I'm sorry. Let me be clear. 4 These are third-party tweets -- 5 A. Okay. 6 Q. -- which seem to somehow relate to the 7 issues in the article or yourselves that have 8 been produced to us. 9 A. That's correct. 10 Q. Okay. Are you -- Have you seen those 11 tweets? 12 A. Yeah. I try not to look at that stuff. 13 I don't want them to -- I don't need to help in 14 any way, shape, or means to encourage any more 15 usage by people looking at it; right? 16 Q. Gotcha. Okay. 17 A. But what was interesting when I did 18 delete my account was I had only two retweets. 19 I don't have hardly any friends. I only 20 follow -- followed a small group and -- like 21 four or five people, I think. I don't remember. 22 But one of them, the retweet, was that story. 23 And I don't even know how to -- I would never do 24 that. So how does that even happen? 25 Q. I'm sorry, so --</p>
<p style="text-align: right;">Page 387</p> <p>1 A. I don't know who they are. I don't 2 know who they are. They'd get on and say 3 negative things towards Devin. They said, "Oh, 4 that's a nice picture," or something. 5 Q. Oh, got it. Okay. So they would be 6 commenting on Devin on your Twitter account; 7 right? 8 A. Not on Twitter. 9 Q. Excuse me. I'm sorry. On your 10 Facebook account? 11 A. That's correct. 12 Q. Okay. Back to Twitter, we've had a lot 13 of links to and screenshots of tweets that have 14 been produced to us in this case. 15 A. Okay. 16 Q. Okay? First of all, are you aware of 17 those tweets that have been produced to us? 18 A. In this case? 19 Q. In this case, yeah. 20 A. They're -- I don't -- I don't know. 21 They're from us? 22 Q. Yeah. 23 A. They're from us? 24 Q. They're from -- It wouldn't surprise me 25 if Mr. Biss gathered them, but put that aside.</p>	<p style="text-align: right;">Page 389</p> <p>1 A. I wish I took the screenshot of it when 2 I deleted the account, but I didn't. 3 Q. Interesting. So you're thinking 4 somebody else must have gone onto your account 5 to retweet that article? 6 A. I wouldn't have retweeted it. I don't 7 necessarily know how to retweet. 8 Q. Got it. There was a retweet from your 9 Twitter account. You have no idea how it 10 appeared there, and you certainly wouldn't have 11 done it? 12 A. That's correct. 13 Q. Gotcha. Okay. Are you aware of who 14 was -- Let me strike that. 15 Let's go back to the third-party 16 tweets about the farm or Devin Nunes or whatever 17 after the article was published. I take it 18 you're aware of those tweets; right? 19 A. Yeah. I did -- I did read some of the 20 comments. 21 Q. Okay. Do you know any of the people 22 that were tweeting? 23 A. I don't know any of those people. 24 Q. Gotcha. 25 A. I know it's not very nice.</p>

98 (Pages 386 - 389)

Veritext Legal Solutions

800-567-8658

973-410-4098

Case 5:19-cv-04064-CJW-MAR Document 156-6 Filed 06/02/23 Page 98 of 105

App. 220

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 390</p> <p>1 Q. And you never tried -- I'm not saying 2 you should, but just to make -- make sure I have 3 a clear record, you never tried to contact any 4 of these people who tweeted? 5 A. Absolutely not. 6 Q. Okay. 7 A. No advantage of trying to contact 8 people like that. 9 Q. Got it. Okay. 10 A. There was a -- There was a train wreck 11 here recently in Sibley. 12 Q. I saw the news on that. Was everyone 13 okay? 14 A. Yeah. 15 Q. Okay. 16 A. Except for they go, "Oh, I hope it's 17 next to Devin Nunes's family's dairy." 18 Q. Who said that? 19 A. It was comments. 20 Q. On where? 21 A. I don't know if it was -- I don't know 22 if it was on a local page or -- or what or if it 23 was on a Facebook or something. The comment was 24 made. I think one of my friends screenshotted 25 it.</p>	<p style="text-align: right;">Page 392</p> <p>1 their relatives is -- thinks a certain way or 2 does a certain thing doesn't mean that we are. 3 I don't want that to happen to us or anybody 4 else. I don't care who it is. It's horrible. 5 Q. Okay. Okay. So that's the message -- 6 you're not going to ask for money from the jury, 7 but you just want to prevent this from happening 8 in the future? 9 MR. BISS: Object. 10 A. As far as I'm -- 11 MR. BISS: Object to the form. 12 It's work product. I'm not going to ask him -- 13 I'm going to ask him not to answer that. 14 Q. Okay. Your attorney has instructed you 15 not to answer the question. 16 MR. BISS: Yeah. I mean, it 17 really -- it's really unfair. I mean, how would 18 he know what we're going to ask the jury, you 19 know? I don't think it's a fair question. 20 A. I could -- 21 Q. Okay. So your attorney -- 22 MR. BISS: Obviously we're going 23 to be asking for money damages. We're not going 24 to be asking for any kind of injunctive relief, 25 that type of thing. I don't think it's a proper</p>
<p style="text-align: right;">Page 391</p> <p>1 Q. Got it. 2 A. It might have been on Twitter. 3 Q. Okay. But you -- again, you don't know 4 who posted that? 5 A. No, I don't know who it is, but they 6 did -- they know that we're there and they're -- 7 you know, wish ill upon us. That's crazy. 8 Q. Yeah. Okay. How much -- How much are 9 you going to ask a jury to award you in this 10 case? 11 MR. BISS: Object to the form. 12 Q. Okay. You know you requested a jury 13 trial in this case; right? 14 A. Yes. 15 Q. You want to try this case to a jury; 16 right? 17 A. That's correct. 18 Q. What are you going to ask the jury to 19 give you? 20 A. I don't care about money. 21 Q. Okay. 22 A. It's principal. 23 Q. Okay. 24 A. I don't want this to ever happen to 25 anybody ever. Just because some -- maybe one of</p>	<p style="text-align: right;">Page 393</p> <p>1 question. 2 Q. Okay. How does -- 3 A. As far as -- As far as I'm concerned, 4 it's principal. 5 Q. Okay. Fair enough. 6 A. So however that needs to be that it 7 never happens again -- 8 Q. Okay. 9 A. -- to anybody. 10 Q. Has NuStar conducted any calculation of 11 its damages? 12 A. I -- I don't -- I haven't, no. 13 Q. Okay. We touched briefly on the -- 14 NuStar's search for documents in response to 15 document requests; right? 16 A. Um-hum. 17 Q. Obviously you produced thousands of 18 documents -- thousands of pages of documents, 19 which is great. Thank you. Just help me 20 understand like where you searched. Okay? Like 21 did you -- obviously you searched lots of hard 22 copy piles; right? 23 A. That's what we have, yes. 24 Q. Gotcha. Did you search any e-mail 25 accounts for responsive documents?</p>

99 (Pages 390 - 393)

Veritext Legal Solutions

800-567-8658

973-410-4098

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 394</p> <p>1 A. There shouldn't be any on -- there's 2 nothing e-mail. 3 Q. Gotcha. 4 A. We don't -- We don't do that. We're 5 just a small farm. We don't have a big 6 electronic office. It's just paper files. We 7 have file cabinets, and you put it in. 8 Q. Well, as you can see, I'm a paper guy 9 too, so I respect that. But just to kind of 10 make sure I understand, there's -- we saw one 11 e-mail account that you were e-mailing from 12 before, the NuStar Farms e-mail account; right? 13 A. The MTC? 14 Q. MTC, correct. 15 A. Yes. 16 Q. Okay. 17 A. That's just our one account that we 18 have. 19 Q. Any other e-mail accounts used by 20 persons at the farm? 21 A. For -- For the farm? 22 Q. Yes. 23 A. No. 24 Q. Okay. 25 A. Nothing like that. Just -- Just I have</p>	<p style="text-align: right;">Page 396</p> <p>1 because you didn't think responsive documents 2 would be there; right? 3 A. There shouldn't -- There shouldn't -- 4 There's nothing on there. We don't -- We don't 5 have anything e-mail. We don't e-mail back and 6 forth anything. We don't -- Everything is just 7 on paper. It's in an office. 8 Q. Okay. 9 A. This is way bigger than our office is. 10 Q. Yeah. Bigger than ours too. 11 Okay. So then what about text 12 messages? Do you text about business matters 13 with your family? 14 A. Not a whole lot. 15 Q. Okay. 16 A. I mean, it would just be -- if 17 anything, it would just be real basic stuff. 18 Q. Okay. 19 A. Just -- Just Lori. You know, oh, we 20 need to do this or we need to do that. Just 21 day-to-day stuff. 22 Q. Got it. 23 A. We're phone people. We're not really 24 technology people. It's real easy to call on 25 the phone.</p>
<p style="text-align: right;">Page 395</p> <p>1 a gmail account that -- it's just for like 2 buying -- you know, I use my PayPal to buy 3 things so we don't get a bunch of junk e-mails 4 on the main e-mail. 5 Q. Got it. So in terms -- if I understand 6 what you're saying, in terms of farm business on 7 the gmail, you really just use it to buy stuff 8 so that you -- 9 A. Yeah. It's -- It's nothing used for 10 communications whatsoever. 11 Q. Got it. Okay. 12 A. I don't use it for communications with 13 business. It's just to purchase. 14 Q. Got it. And then in terms of company 15 e-mail -- company e-mail accounts, NuStar 16 accounts, the only one is the one that we were 17 talking about earlier, the MTC account? 18 A. That is correct. Yep. There is no 19 others. 20 Q. And it's shared among the four of you? 21 A. Everybody has it. 22 Q. Gotcha. 23 A. All -- All four of us. 24 Q. All four of you. Gotcha. Okay. And 25 then -- But you didn't search that account</p>	<p style="text-align: right;">Page 397</p> <p>1 Q. Yep. Well, I get that. My brother 2 cold calls me sometimes now too and I -- you 3 know, I'm now -- I'm now fully on you've got to 4 do the text in advance. I don't appreciate the 5 cold calls. 6 A. Yeah, no, we don't -- I don't like the 7 text messages. 8 Q. Fair enough. Fair enough. Okay. Any 9 other ways by which you guys communicate to do 10 company business? Like do you -- do you have 11 like WhatsApp or anything like that? 12 A. I don't know what that is. 13 Q. Okay. Fair enough. Telegram? Do you 14 guys -- 15 A. No, no telegrams. 16 Q. No telegrams? 17 A. Deet, deet, deet, deet, no. 18 Q. No. Oh, my goodness. I was actually 19 thinking of an app called Telegram. 20 A. Oh, yeah, I have no idea. 21 Q. Okay. Very good. 22 A. No -- either -- we don't do pony 23 express either. 24 Q. No pony express? 25 A. No.</p>

100 (Pages 394 - 397)

Veritext Legal Solutions

800-567-8658

973-410-4098

CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 398</p> <p>1 Q. No telegram?</p> <p>2 A. No.</p> <p>3 Q. Old-fashioned or new-fashioned?</p> <p>4 A. Right. Just telephone mostly.</p> <p>5 Q. Telephone. Okay. Got it.</p> <p>6 Let me ask about -- Oh, one thing</p> <p>7 we were looking at when we were looking at the</p> <p>8 general -- so your accountants, Genske, Mulder,</p> <p>9 produced the company's general ledger to us.</p> <p>10 Okay?</p> <p>11 A. Okay.</p> <p>12 Q. In the general ledger we didn't see any</p> <p>13 payments to lawyers in connection with this</p> <p>14 lawsuit. Are you paying lawyers? Is NuStar</p> <p>15 Farms paying for its legal counsel in connection</p> <p>16 with this lawsuit?</p> <p>17 MR. BISS: Objection. We've</p> <p>18 already gone over this. We're not answering</p> <p>19 these questions.</p> <p>20 MR. BOYER: Okay.</p> <p>21 MR. BISS: We've already</p> <p>22 addressed it with the judge, so --</p> <p>23 MR. BOYER: I'm sorry, you're</p> <p>24 instructing the witness not to answer?</p> <p>25 MR. BISS: Yep.</p>	<p style="text-align: right;">Page 400</p> <p>1 relevant at all.</p> <p>2 Q. Okay. Let me ask this again just to</p> <p>3 make -- just to make sure we have a clear</p> <p>4 record. Let me ask -- Let me ask it very</p> <p>5 bluntly to make sure we have a clear record.</p> <p>6 MR. BOYER: And if you want to</p> <p>7 make your objection, so be it. Okay?</p> <p>8 Q. Mr. Nunes, who is funding the lawyers</p> <p>9 for this lawsuit?</p> <p>10 A. I have no idea.</p> <p>11 MR. BISS: Objection. Objection.</p> <p>12 And I'm instructing him not to answer. If you</p> <p>13 want to go back to the judge on this, we can do</p> <p>14 it. I'm not going to let you engage in these</p> <p>15 stunts at all.</p> <p>16 Q. Got it. All right. I saw one general</p> <p>17 ledger payment for Joe Feller for \$500. Okay?</p> <p>18 So I guess Mr. Feller got paid \$500, but we saw</p> <p>19 no general ledger payments to Mr. Biss. Does</p> <p>20 NuStar -- Let me ask this. Does NuStar</p> <p>21 typically pay its attorneys for their counsel?</p> <p>22 Like it pays them whatever their hourly rates</p> <p>23 are; right?</p> <p>24 A. It depends on the situation.</p> <p>25 Q. Sometimes you take things on a</p>
<p style="text-align: right;">Page 399</p> <p>1 MR. BOYER: Okay. On what basis?</p> <p>2 MR. BISS: On the basis that it's</p> <p>3 harassment. It's just pure harassment. It has</p> <p>4 no bearing whatsoever on this case at all.</p> <p>5 MR. BOYER: Well --</p> <p>6 MR. BISS: None.</p> <p>7 MR. BOYER: Well, actually, on the</p> <p>8 contrary, I'll explain the relevance of it. At</p> <p>9 a minimum it's relevant because my understanding</p> <p>10 is that there may be somebody else who is going</p> <p>11 to be testifying whose deposition we're taking</p> <p>12 who has been identified as a witness in this</p> <p>13 case, and I want to understand, if nothing else,</p> <p>14 his connection or what the -- what's going on in</p> <p>15 terms of his involvement in this case and</p> <p>16 interest in it.</p> <p>17 So I want to ask questions of</p> <p>18 Mr. Anthony Nunes to know a little bit about the</p> <p>19 connections there and what he may have to the</p> <p>20 case. Okay? So that's the relevance.</p> <p>21 Is that the only basis you're</p> <p>22 instructing the witness not to answer, is you</p> <p>23 believe it's harassment?</p> <p>24 MR. BISS: Yeah. And it's not</p> <p>25 relevant at all. What you've just asked is not</p>	<p style="text-align: right;">Page 401</p> <p>1 contingency fee basis?</p> <p>2 A. It depends on the situation.</p> <p>3 Q. Okay. So sometimes NuStar has paid</p> <p>4 outside counsel; right?</p> <p>5 A. Yes.</p> <p>6 Q. I imagine Blaser at the Brown Winick</p> <p>7 firm has an hourly rate that he charges.</p> <p>8 A. I'm pretty sure this building isn't</p> <p>9 free.</p> <p>10 Q. Absolutely. That coffee costs</p> <p>11 something. And big conference rooms cost</p> <p>12 something. I can attest to the fact as in-house</p> <p>13 counsel that outside counsel will charge you for</p> <p>14 sure.</p> <p>15 But the point is that NuStar has</p> <p>16 paid for counsel in other situations, but NuStar</p> <p>17 is not paying for the -- its counsel in this</p> <p>18 case; right?</p> <p>19 MR. BISS: Object to the form.</p> <p>20 I'm going to instruct him not to answer.</p> <p>21 Q. Okay. Who is paying for NuStar's</p> <p>22 counsel in this case?</p> <p>23 MR. BISS: I instruct him not to</p> <p>24 answer.</p> <p>25 Q. And you're going to follow your</p>

101 (Pages 398 - 401)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 402</p> <p>1 attorney's instructions; is that right?</p> <p>2 A. That's correct.</p> <p>3 MR. BOYER: Okay. And to be</p> <p>4 absolutely crystal clear, your instruction on</p> <p>5 this basis -- at this moment is on the same</p> <p>6 basis as just a few questions ago, namely</p> <p>7 harassment and irrelevance?</p> <p>8 MR. BISS: Absolutely. Yep.</p> <p>9 MR. BOYER: Okay.</p> <p>10 MR. BISS: And we've already</p> <p>11 addressed it with the judge, and the judge has</p> <p>12 already given you his -- his free look.</p> <p>13 MR. BOYER: We've got the crystal</p> <p>14 ball reading?</p> <p>15 MR. BISS: Yep.</p> <p>16 (Exhibit 47 was marked for</p> <p>17 identification by the reporter.)</p> <p>18 MR. BISS: Nate, do you have a</p> <p>19 copy of that for me?</p> <p>20 MR. BOYER: Oh, I'm sorry.</p> <p>21 MR. BISS: Not a problem.</p> <p>22 Q. I want to talk a little bit about</p> <p>23 communications that NuStar may have had with</p> <p>24 members of the media over the years. We already</p> <p>25 talked earlier about NuStar giving an interview</p>	<p style="text-align: right;">Page 404</p> <p>1 A. But who is -- who is Mollie?</p> <p>2 Q. Who is Mollie? Well, I believe --</p> <p>3 MR. BISS: Just answer his</p> <p>4 question. Has anyone at NuStar talked to Mollie</p> <p>5 Hemingway?</p> <p>6 A. No, nobody -- nobody at NuStar has.</p> <p>7 No. Sorry.</p> <p>8 MR. BISS: Okay. There we go.</p> <p>9 Q. There you go. Okay. Why don't we go</p> <p>10 down to -- Actually, you know what? I'll hold</p> <p>11 this. All right. You can actually set this</p> <p>12 aside. We don't need to go any further with</p> <p>13 this one.</p> <p>14 Let me ask -- Let me ask if you,</p> <p>15 meaning NuStar, has spoken with any other</p> <p>16 reporters.</p> <p>17 A. NuStar has not.</p> <p>18 Q. Okay. So what about North -- I think</p> <p>19 it's NWIowa.com is a local publication up there.</p> <p>20 Have you spoken with anyone there?</p> <p>21 A. Absolutely not.</p> <p>22 Q. You sounded adamant. Was that --</p> <p>23 A. Right. Because they reran that article</p> <p>24 in -- and then I had people calling me then.</p> <p>25 Q. Oh, gotcha, because they --</p>
<p style="text-align: right;">Page 403</p> <p>1 to the Dairy Star a number of years ago; right?</p> <p>2 A. That's correct.</p> <p>3 Q. That's correct. Shortly after Ryan</p> <p>4 Lizza's article came out this piece ran in The</p> <p>5 Federalist. Have you heard of The Federalist</p> <p>6 before?</p> <p>7 A. I've heard of it. I don't -- I've</p> <p>8 never read any of it, I don't think.</p> <p>9 Q. Okay. Okay. And did you read this</p> <p>10 particular article?</p> <p>11 A. I don't recall that.</p> <p>12 Q. Okay.</p> <p>13 A. I don't read a lot of any stuff that</p> <p>14 deals with Devin.</p> <p>15 Q. Fair enough. Do you know who Mollie</p> <p>16 Hemingway is?</p> <p>17 A. I -- She's some kind of reporter.</p> <p>18 Q. Okay. How do you know her, if you know</p> <p>19 her?</p> <p>20 A. I just know -- just she's a reporter.</p> <p>21 I don't even know who she's with.</p> <p>22 Q. Okay. Has anyone with NuStar ever</p> <p>23 spoken with her?</p> <p>24 A. NuStar?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">Page 405</p> <p>1 A. They -- They ran it in their newspaper.</p> <p>2 Q. Got it. Okay. How about the</p> <p>3 Des Moines Register? Did you ever speak to any</p> <p>4 reporters with the Des Moines Register?</p> <p>5 A. If they actually were, I don't know.</p> <p>6 They claimed they were. They came onto our</p> <p>7 facility.</p> <p>8 Q. Oh.</p> <p>9 A. And they refused to leave. And then</p> <p>10 they sent out some tweet -- somebody else showed</p> <p>11 us that they sent out a tweet saying that we</p> <p>12 tried to have them arrested. Well, they</p> <p>13 wouldn't leave our property.</p> <p>14 Q. Okay. So --</p> <p>15 A. After the story ran. The day that the</p> <p>16 story ran, they were on the dairy.</p> <p>17 Q. Okay. So let me make sure I</p> <p>18 understand. So after the article on -- after</p> <p>19 the story ran in Esquire.com --</p> <p>20 A. Before the -- and all the tweets.</p> <p>21 Q. Right. And then after that reporters</p> <p>22 from the Des Moines Register showed up at the</p> <p>23 farm?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So you had not contacted the</p>

CONFIDENTIAL - ATTORNEYS' EYES ONLY

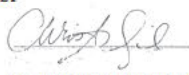
<p style="text-align: right;">Page 406</p> <p>1 Des Moines Register before then?</p> <p>2 A. Absolutely not.</p> <p>3 Q. Okay. Did you have any particular</p> <p>4 animosity toward the Des Moines Register before</p> <p>5 then?</p> <p>6 A. Well, they're a rag. There's no reason</p> <p>7 to even -- it's a junk paper.</p> <p>8 Q. Junk paper. Okay. Any other reasons</p> <p>9 other than just you believe it to be a junk</p> <p>10 paper?</p> <p>11 A. I would never contact -- NuStar Farms</p> <p>12 would never contact anybody from the Des Moines</p> <p>13 Register.</p> <p>14 Q. Okay.</p> <p>15 A. Or pretty much any news media.</p> <p>16 Q. Gotcha. Has Devin Nunes ever arranged</p> <p>17 for conversations with members of the media with</p> <p>18 persons with NuStar Farms?</p> <p>19 MR. BISS: Object to the form.</p> <p>20 A. No.</p> <p>21 Q. No?</p> <p>22 A. No.</p> <p>23 Q. No. Any -- NuStar Farms ever given any</p> <p>24 other interviews to anyone else in the media, as</p> <p>25 far as you know?</p>	<p style="text-align: right;">Page 408</p> <p>1 There was the local person goes out -- comes out</p> <p>2 and wanted to take a picture. I don't -- It was</p> <p>3 for -- I don't -- I don't know why.</p> <p>4 Q. You don't remember what the --</p> <p>5 A. They were local. They just come by.</p> <p>6 The lady was dating a guy we have coffee with,</p> <p>7 and she knew that we were chopping silage. They</p> <p>8 just came and took a picture.</p> <p>9 Q. Got it.</p> <p>10 A. At the -- From the road.</p> <p>11 Q. Got it. Okay.</p> <p>12 MR. BOYER: Give me one second.</p> <p>13 Okay. Sorry. Give me just one</p> <p>14 moment. We can stay on the record.</p> <p>15 All right. Thank you, Mr. Nunes.</p> <p>16 We have no further questions at this time.</p> <p>17 Mr. Biss, over to you.</p> <p>18 MR. BISS: No questions. He'll</p> <p>19 read.</p> <p>20 MR. BOYER: Okay. Very good.</p> <p>21 THE VIDEOGRAPHER: We are off the</p> <p>22 record at 6:27 p.m., and this concludes today's</p> <p>23 30(b)(6) testimony given by Anthony Nunes, III.</p> <p>24 The total number of media units used was six and</p> <p>25 will be retained by Veritext Legal Solutions.</p>
<p style="text-align: right;">Page 407</p> <p>1 A. No. We don't do that.</p> <p>2 Q. Okay. So local television stations?</p> <p>3 Anything?</p> <p>4 A. We regret the one that we did do.</p> <p>5 Q. Oh, from Dairy Star?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. There might have been something in the</p> <p>9 Northwest, but they just took a picture. I</p> <p>10 don't think they ever talked to us. I remember</p> <p>11 there was a picture ran. And, of course, they</p> <p>12 reran that when they ran the Devin Nunes</p> <p>13 story --</p> <p>14 Q. Got it.</p> <p>15 A. -- if I recall, now that you ask.</p> <p>16 Q. That's why we ask. Sometimes the</p> <p>17 questions refresh recollections. That's fine.</p> <p>18 A. But no, we don't actively go out and</p> <p>19 search any reporter.</p> <p>20 Q. Got it.</p> <p>21 A. NuStar Farms does not go seek anybody.</p> <p>22 Q. The one you were just talking about</p> <p>23 where there was a photograph taken, what do you</p> <p>24 remember -- or you had a --</p> <p>25 A. It was for dairy month or something.</p>	<p style="text-align: right;">Page 409</p> <p>1 (Deposition concluded at</p> <p>2 6:27 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

103 (Pages 406 - 409)

Veritext Legal Solutions

800-567-8658

973-410-4098

<p style="text-align: right;">Page 410</p> <p>1 SIGNATURE PAGE</p> <p>2 I, ANTHONY NUNES, III, the</p> <p>3 witness in the foregoing deposition, do hereby</p> <p>4 certify that I have read the foregoing 409 pages</p> <p>5 of typewritten material and that the same is,</p> <p>6 with the corrections noted on the attached page,</p> <p>7 if any, a true and correct transcription of my</p> <p>8 deposition upon oral examination given at the</p> <p>9 time and place herein stated.</p> <p>10 </p> <p>11 _____</p> <p>12 ANTHONY NUNES, III</p> <p>13 </p> <p>14 Subscribed and sworn to before me</p> <p>15 this ____ day of _____, 2021.</p> <p>16 </p> <p>17 _____</p> <p>18 Notary Public</p> <p>19 </p> <p>20 </p> <p>21 </p> <p>22 </p> <p>23 </p> <p>24 </p> <p>25 Job No. CS4693408</p>	<p style="text-align: right;">Page 412</p> <p>1 C E R T I F I C A T E</p> <p>2 </p> <p>3 I, the undersigned, a Registered</p> <p>4 Professional Reporter and Notary Public of the</p> <p>5 State of Iowa, do hereby certify that I acted as</p> <p>6 the Registered Professional Reporter in the</p> <p>7 foregoing matter at the time and place indicated</p> <p>8 herein; that I took in shorthand the proceedings</p> <p>9 had at said time and place; that said shorthand</p> <p>10 notes were reduced to typewriting under my</p> <p>11 supervision and direction, and that the</p> <p>12 foregoing pages are a full and correct</p> <p>13 transcript of the shorthand notes so taken; that</p> <p>14 said deposition was submitted to the witness for</p> <p>15 signature as requested</p> <p>16 </p> <p>17 I further certify that I am</p> <p>18 neither attorney nor counsel for, or related to</p> <p>19 or employed by any of the parties in the</p> <p>20 foregoing matter, and further that I am not a</p> <p>21 relative or employee of any attorney or counsel</p> <p>22 employed by the parties hereto, or financially</p> <p>23 interested in the action</p> <p>24 </p> <p>25 IN WITNESS WHEREOF, I have</p> <p> hereunto set my hand and seal this 16th day of</p> <p> July, 2021</p> <p> </p> <p> REGISTERED PROFESSIONAL REPORTER</p> <p> AND NOTARY PUBLIC</p>
<p style="text-align: right;">Page 411</p> <p>1 CORRECTION/CHANGE SHEET</p> <p>2 I have read the entire transcript</p> <p>3 of my deposition taken on the 14th day of July,</p> <p>4 2021, or the same has been read to me. I</p> <p>5 request that the following changes be entered</p> <p>6 upon the record for the reasons indicated. I</p> <p>7 have signed my name to the signature page and</p> <p>8 authorize you to attach the same to the original</p> <p>9 transcript.</p> <p>10 </p> <p>11 Page Line Correction or change and reason</p> <p>12 therefor</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 Date _____ Signature _____</p>	<p style="text-align: right;">Page 413</p> <p>1 Steven Biss, Esq.</p> <p>2 stevenbiss@earthlink.net</p> <p>3 July 16, 2021</p> <p>4 RE: Nustar Farms, LLC Et Al v. Ryan Lizza, Hearst Magazine</p> <p>5 7/14/2021, Anthony Nunes , III (#4693408)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 erratas-cs@veritext.com</p> <p>16 </p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21 </p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24 </p> <p>25 </p>